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TIRUPATI

THE CAMBRIDGE ANCIENT HISTORY

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J. B. BURY, M.A., F.B.A.	S. A. COOK, LITT.D.
S. A. COOK, LITT.D.	F. E. ADCOCK, M.A.
F. E. ADCOCK, M.A.	M. P. CHARLESWORTH, M.A.

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CAMBRIDGE ANCIENT HISTORY

3744

VOLUME IX

THE ROMAN REPUBLIC

133—44 B.C.

EDITED BY
S. A. COOK, LITT.D.
F. E. ADCOCK, M.A.
M. P. CHARLESWORTH, M.A.

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PREFACE

THE narrative in this volume begins with the Gracchi and ends with Caesar. These are the first and last of a succession of men whose strength or weaknesses were not readily to be reconciled with the control of the State by a tradition-bound aristocracy of office. Great as had been the achievement of Senatorial government in solving the problems of foreign policy or in knowing when to allow them to solve themselves, its domestic policy had become narrow and inert, and the institutions of the Roman city-state required, at the least, adaptation to the needs of an empire. Within Italy, Rome had neither faced the problems raised by an inevitable shifting of economic conditions nor been willing to give to her allies the share in her success that their services merited.

The first of these problems was, in part at least, solved by the Gracchi, but in the course of the solution the convention of Senatorial government was challenged, so that the sovranty of the Roman People was revived as an overriding force which could be invoked, not only for much-needed reform, but in support of personal ambitions by those who found themselves in opposition to the governing nobility. The equestrian order became a political power which could become effective at moments at which its financial interests appeared to be threatened. Concessions to the claims of the Italian allies at Rome were postponed by a Senatorial reaction which reflected the selfishness of the whole citizen-body. Problems of defence and of prestige arose which overtaxed the self-limited resources of the State. These led to the creation of a formidable Fourth Estate in an army professional in recruiting and sentiment. The Senatorial government failed to provide this army with commanders who were always loyal to the existing order and left it to look to powerful generals for the final rewards of its service. An army which might not obey the Senate, an Italy which had come to resent its exclusion from the Roman franchise, and a group of politicians and soldiers who were denied a career by the influence of the ruling families endangered the domestic power of the government. Then followed the Social War, in which part of the Italians fought for a full entry into the Roman State while part strove to reverse the verdict which had made Rome the mistress of Italy. By fighting and by concessions the Senate averted disaster. An extension of the franchise made peninsular Italy Roman and extended the recruiting ground for the new army. Even so, the Senatorial government was grudging and maladroit, so that while its best general, Sulla, was engaged in a campaign abroad, the ambitious men of the Opposition enjoyed a brief interlude of power. The government had already compromised its claim to govern by the use of violence in the name of order, and had allowed Sulla to bring his legions within the city. Now Sulla returned at the head of his army of the East and restored Senatorial government by the wholesale destruction of its opponents and their supporters.

But Sulla was no mere reactionary. He recognized the duties of the government and strove to create a machinery which would enable the Senate to discharge them, secure from the pressure of army-commanders and unhampered by the full sovranty of the People and the powers of the Tribunate which the Gracchi and his own enemies had called into activity. But to achieve his ends he created a dictatorship which pointed straight to a Republican autocracy, and no sooner had Sulla abdicated than there sprang up dangers which refuted his calculations. The army had not been made the servant of the State; the Senatorial government was forced to look for military skill to men who were impatient of its control; in Italy itself there was a formidable revolt of gladiators and slaves. Within eight years of Sulla's death, two of his lieutenants, Crassus and Pompey, joined forces to impose upon the Senate the partial destruction of the Sullan constitutional reforms. The Tribunate regained its power to thwart or reverse the policies of the Senate. The failure to provide any means by which the extension of the franchise led to the representation of Italy as a whole left the decision of questions to what was called the Roman People, but was in the main the venal and disorderly populace of a single city.

Then followed a decade of intrigue at Rome during which Lucullus and Pompey dealt with the enemies of Rome in the East. The methods by which Sulla had crushed his enemies and had settled in Italy veterans who failed to cultivate the farms which had been seized for them, left ample discontent and the means of fomenting it. Bribery had become the road to office, which was no longer the preserve of a group of families; successful bribery led to the exploitation of provinces, unsuccessful bribery to debt and a readiness for revolution. The career of Pompey pointed the way to the ambitious. To allay these dangers Cicero strove to bring about a union of hearts between the Senate and the steady substantial citizens of Italy. But the attempt, beset as it was by civilian illusions, failed.

Pompey returned from a great command which broke with the traditions of the State to be thwarted by the Senate. The result was a coalition in which a new figure—Caesar—found a place. What is called the First Triumvirate aimed at the satisfaction of ambition together with the reform of administration in despite of the Senate. For a time the coalition dominated Roman politics, but the satisfying of Crassus' ambition ended him in the deserts of Mesopotamia, while the satisfying of Caesar's ambition procured him a strong and devoted army, though it won Rome a province. Thus was prepared the way for an armed contest between Caesar and a government which, with Pompey's help, wished to treat him worse than it had treated Pompey on his return from the East. The decision lay with the armies, and the decision fell in favour of Caesar, who established an autocracy, Republican in form, but inconsistent with the ancient traditions of the Republic. This autocracy perished with Caesar on the Ides of March, and his death left Rome still faced by her constitutional problem. Neither in the predominance of a tribune like Gaius Gracchus, nor in a restoration of Senatorial control like that carried through by Sulla, nor in the dictatorship of Caesar was any lasting solution to be found. For it cannot be said that either the success or the death of Caesar marked the end of the Republic or inaugurated a permanent monarchical form of government. Moments in the career of Pompey foreshadowed a compromise between the Senate and a protector who would give it security and a full share of power. But the decisive answer to the question how Rome was to rule the world in peace was given not by Pompey or by Caesar but by Augustus. At last there came the man who answered the riddle of the Sphinx rightly and survived. But the answer was conditioned by the events that followed Caesar's death, and these events are reserved for the following volume, which will have as its theme the first working out of the Principate.

The inheritance of the Republic passed to the Principate unchallenged in a world that longed for peace and security under a strong hand. In the ninety years that lie between the beginning and the end of this volume Rome had shown clearly enough that, despite political and military blunders, she stood without a rival in power. Even when a narrow and selfish policy roused the Italian allies of Rome to revolt, the Romans had known well how to fight and where to yield. The pre-occupation of Rome in this domestic crisis permitted the threat of a movement of the East against her, but the threat was warded off, as it were with one hand, until the time came when Mithridates, the leader of this movement, could be defeated and crushed. Under negligent Senatorial government the Mediterranean had become infested with pirates. A single campaign delivered the seas, and Pompey passed on to make a settlement of the East which established Roman power firmly and allied with it the sentiment of the Hellenistic communities. At the close of the second century Italy had to fear an invasion by barbarians from the North; fifty years later the frontier of her empire had reached the English Channel and the Rhine. Even in domestic affairs the work of Gaius Gracchus, of Sulla and still more that of Caesar showed that the administrative genius and political resource of the Roman aristocracy had not perished. The Civil War itself strengthened rather than weakened the military establishment of the Republic and proved beyond doubt the supremacy of legions in the field. The King of Parthia might contemplate the standards of a Roman army defeated at Carrhae, but the world was well aware that in Rome and Italy it must find its masters. By the side of civil wars and defeats, misgovernment and the corruption of politics must be set a series of achievements of which any people might be justly proud, so that neither Rome nor the world despaired of the Republic. When Augustus laid the foundations of the Principate, he was building on a political prestige and a military predominance which the vicissitudes of the previous century had failed to destroy.

Far steadier was the advance of Roman art and letters. With the union of Italy in a more than political sense there had already arisen a truly national Roman art, which fused with itself Etruscan Greek and Samnite forms. From the time of Sulla onwards the city itself had begun to assume a dignity not unworthy of its primacy. Latin poets not only wrote in the manner and spirit of the Greeks, but developed the resources of their own language so as to make possible the triumphs of the Augustan age. In a city which was becoming ever more cosmopolitan, and receptive of ideas from the Greek East, Roman culture came to have a meaning of its own, and Cicero was beyond all doubt the greatest man of letters of his day. Nor did he stand alone. The erudition of Varro was no more than an extreme form of the scholarship possessed by many members of the Roman aristocracy. The last century and a half of the Republic witnessed a modernization of Roman law which, although it owed something to Greek thought and to the regulation of relations between citizens and foreigners, was the achievement of native Roman jurisprudence. From the Gracchi onwards there appears a succession of orators who added grace to the force and mother wit that belonged to the Roman character. It is true that these talents were too often the servants of malignity and partisanship. Beneath the formal urbanity of Cicero's correspondence may be seen not only the subtlety the vanity and the tact of Cicero himself but the hard pride and egotism of the nobles of his day. In an age of constant feuds, of venality, and of ruthlessness many of the finest spirits of Rome were the victims of baser men. But the administrative and military capacity of the Romans approved itself again and again. With all their faults, old and new, they were still the shrewdest and strongest among the peoples.

Outside the area of Roman activity there were signs of the future. The close of the second century had witnessed a transient intrusion of barbarians from the North into Mediterranean lands. The obscure movements which set peoples adrift were felt on the northern borders. In the region of the Black Sea Greek cities found themselves threatened more and more, and were saved by the help of the new power of Pontus. In Asia Minor this power came to overshadow its neighbours while new forces, Eastern in character, asserted themselves against the Western element in Hellenism. The Seleucid monarchy dwindled and vanished. Within the borders of Palestine the Jewish national State developed the setting of religious ideas in which Christianity was to arise. In Egypt the Ptolemaic dynasty preserved a faded troubled reign, rarely loved at home and in constant danger of annexation by Rome. Farther east there had arisen a new power. Iranian nomads from the steppes beyond the Caspian were welded together into a people by the skill and force of the dynasty of the Arsacids and won an empire at the expense of the failing Hellenistic kingdoms of the East. The rise of this power was timely. During the last three decades of the second century wide-spread dislocations of peoples from China to the Oxus brought a flood of nomads pressing hard against the eastern frontiers of the Hellenistic world. To the new Parthian State belongs the credit for breaking and thrusting back these peoples. Thus a warrior race from the North became the rulers of what had once been the heart of the Persian Empire, borrowing the machinery of government from the Seleucids and using rather than absorbing culture from the hellenism of their subjects and neighbours and the brief revival of Babylonian civilization. This aristocratic monarchy, with its one native accomplishment of war, came into contact with Rome when Lucullus and Pompey carried the arms of the

Republic to the Tigris and the Euphrates. Crassus made Rome an active enemy of Parthia; Caesar meditated at least a demonstration that the secret of victory was with the West. The stage was set for a long though not equal rivalry between the Empire and the Parthian Monarchy.

In the economy of the volume military history has in general been subordinated to political history so that many interesting problems of topography have been left almost or entirely undiscussed. Where the necessity for this, imposed by considerations of space, has led to any appearance of dogmatism in a field in which certainty is often unattainable the responsibility rests with the editors rather than with the contributors. A sketch of the literary authorities is given in order to enable readers to make a rough evaluation of the sources mentioned in the notes at the beginning of the chapters and in the Bibliography. In this sketch there are points, especially of detail, which are controversial, and the Appendix does not claim to do more than to serve its declared purpose. The chapters on Pontus and its neighbours and on Parthia follow the general practice of this work in including that part of their history which precedes their effective entry into the history of the ancient world as a whole. The religious movements in the Roman world during the close of the Republic and the beginning of the Principate will be reviewed in volume x. In the Bibliographies the ancient sources for the main political narrative have been given more by general reference than by detailed citation. The modern literature, indeed, on the main topics of the volume is so considerable that it has been necessary to proceed by rigorous selection. For special topics more elaborate and independent information is supplied.

In the present volume the political history of Rome from the Gracchi to the departure of Pompey to the East is narrated by Mr Hugh Last (chapters I–IV and VI–VII). The military history of this period is written by the same author, apart from the Social War, Sulla's campaigns in Italy and the war against Sertorius, which are described by Mr R. Gardner. Professor Rostovtzeff contributes the account of Pontus and her neighbours in chapter V, Professor Ormerod the narrative of the Mithridatic Wars before the advent of Pompey and of the operations against the pirates of the Levant (in chapters V and VIII). In chapter VIII Dr Cary has described the contemporary history of Ptolemaic Egypt and Pompey's settlement of the East. Dr Edwyn Bevan has continued his account of the Jews in chapter IX; in chapter X Mr G. H.

Stevenson treats of the extension, protection and government of the Provinces. The narrative of political history is resumed in chapters XI and XII, which are written by Dr Cary. Of the two succeeding chapters that on Parthia is by Dr Tarn, that on the Conquest of Gaul is by Mr C. Hignett. In chapters XV–XVII Professor Adcock describes the events that preceded the Civil War, the war itself and the Dictatorship of Caesar. The chapter on Literature in the Age of Cicero is by Mr Sikes, that on Ciceronian Society by Professor Wight Duff. Mrs Strong contributes chapter XX on the Art of the Roman Republic, Professor de Zulueta chapter XXI on the Development of Law under the Republic. For those parts of the Appendix on literary authorities which are concerned with the first half of the volume we are indebted to Mr Last, who also contributes Notes 1–3; Note 4 is by Professor Ormerod, Notes 5 and 6 are by Professor Adcock.

The first duty of the Editors is to thank the contributors for their co-operation and for the help which they have generously given on matters allied to the subjects of their chapters. Professor Rostovtzeff wishes to express his obligations to Professor Lambrino and Professor Oliverio, who permitted him to make use of material then unpublished. Dr Bevan wishes to thank Dr C. J. G. Montefiore and Professor W. O. E. Oesterley for valuable criticism and suggestions. Dr Tarn desires to acknowledge his indebtedness for assistance to M. Cumont, Professor Rostovtzeff, Dr G. F. Hill, Mr Sidney Smith and Mr C. J. Gadd. Mrs Strong wishes especially to thank Professor A. Boethius. Professor de Zulueta desires to express his gratitude to Professor Buckland. Finally, Professor Adcock is obliged to Dr Tarn, Dr Cary and Mr Last for constructive criticisms, which he greatly appreciates.

The volume is indebted to contributors for the bibliographies to their chapters and for their share in the preparation of maps, to Mr Last for Maps 4 and 5, to Mr Gardner for Maps 6 and 10, to Professor Ormerod for Map 7, to Dr Cary for Map 11, to Mr Hignett for Map 13 and to Dr Tarn for Map 14. Mr Charlesworth is responsible for Maps 2 and 9 and for Map 12 in consultation with Mr Stevenson, Professor Adcock for Map 8, in consultation with Professor Rostovtzeff, and for Maps 1, 3, 15, 16, 17 and 18. For the geographical detail of Map 9 we are indebted to Messrs Macmillan, for that of Maps 15 and 17 to Messrs Wagner and Debes, Leipzig, for Map 18 to the Imprimerie Nationale, Paris. We have to thank Mrs Strong for drawing up the Sheet of Plans, and the Oxford University Press for Plan 1, Dr R. Delbrueck of Bonn and Messrs Walter de Gruyter & Co., Berlin, for Plan 2, the Ufficio Antichità e Belle Arti of the Governatorato of Rome for permission to use their plan of the temple of the Largo Argentina (Plan 3), Messrs Julius Springer, Berlin, for Plan 4, and Professor Lugli and Messrs Danesi, Rome, for Plan 5. We owe much to Mr Seltman for his assistance with the reproduction of the plans and for his ready co-operation in the illustration of the volume. The fourth Volume of Plates, which he is preparing, will illustrate this and the following volume and will be published at the same time as Volume Ten. For the illustration of the chapter on Roman Republican Art we are greatly indebted to Mrs Strong, who in turn wishes to express her appreciation of the courteous assistance of scholars who have supplied her with valuable material for illustrations. Specific acknowledgments will be made to them in due form in the Volume of Plates.

Dr Tarn has drawn up the table of Parthian Kings and prepared the Genealogical Tables of the Ptolemies and Seleucids, which are taken with slight modifications from volume VII. Professor Rostovtzeff has supplied the material for the list of Kings of Pontus: Mr Charlesworth is responsible for the lists of the dynasties so far as they are not those published in volume VII, for which we have also to thank Dr Tarn. The General Index and Index of passages are the work of Mr B. Benham, whose care has been of constant assistance to the Editors. Finally it should be said that our task has been much the lighter for the skill and resource of the Staff of the University Press.

The Director of the Museum at Naples has permitted us to reproduce on the cover the head of Caesar from the statue in that Collection, the work of art which probably presents, more nearly than any other, the authentic features of the Dictator at the height of his power.

S.A.C.
F.E.A.
M.P.C.

September, 1932

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Fellow of St John's College, Oxford, and University Lecturer in Roman History

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Fellow of Emmanuel College, Cambridge, and University Lecturer in Classics

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Fellow of All Souls College and Regius Professor of Civil Law
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CHAPTER I

TIBERIUS GRACCHUS

I. THE PROBLEMS OF THE AGE

THE tribunate of Tiberius Gracchus opens a new epoch in the affairs of Rome. Hitherto her history had been one of wars—of wars whose outcome, though the Romans had taken arms more often in self-defence than for purposes of aggression, was a steady extension of Roman authority, first over the Italian peninsula and then beyond. Since the end of the third century there had, indeed, been a break in the process of annexation, but the interval had been so much disturbed by fighting in the Balkan peninsula and the East that there had been no opportunity, even if there was the inclination, to undertake that drastic re-shaping of the constitution which alone could fit the Roman State to shoulder the obligations of Empire. With the creation of provinces in Africa and Greece, annexation began anew; but thenceforward, though fresh territory was acquired from time to time, the acquisitions were won by fighting of a very minor kind, and that only when they were not due to the testamentary arrangements of monarchs whose benefactions Rome had somehow managed to attract. Towards the middle of the second century B.C. a new era in Roman history begins. The triumphs of the younger Africanus over Carthage and of L. Mummius over the Achaeans bring down the curtain on the age of warfare and expansion: the tribunate of Tiberius Gracchus inaugurates a period which finds its theme in the domestic history of the city.

Though it would be untrue to say that Rome had outgrown her strength, the events of the century which opens with the destruction of Carthage were conditioned by the fact that an empire had

Note. Some account of the sources in general for the history contained in this Volume will be found in the Appendix, pp. 882 *sqq.* The authorities for the internal history of Rome from 133 to 66 B.C. are enumerated in the Bibliography to Chapters I, II, III, IV, VI and VII. Particular sources requiring comment are discussed in the text as they become relevant.

References to Plutarch's *Lives of the Gracchi* are made by the numeration of chapters which runs continuously: those to the *Life of Gaius Gracchus* may be converted to the other system by deducting 21 from the chapter-number here given. Th. Stangl's *Ciceronis orationum scholiastae*, Vol. II, is quoted as 'Stangl, II'.

been won at a speed which left no time for its assimilation. New provinces had made new demands on a government and an administration inadequate to meet them. The constitution had not, indeed, collapsed; but it was already ill-fitted for its task, and that it continued to work at all was due only to the unfailing resourcefulness of Rome in political expedient. Nor were the effects of Empire felt by the constitution alone: the burdens of an imperial people, and the wealth which its leaders had amassed, produced economic consequences of a kind which called for drastic treatment. Rome in fact, when a lull in her military operations gave opportunity for a survey of the situation, found herself beset by problems unlikely to be solved in a day. Her constitution and her social structure were those of a city-state; but the city-state of Rome now found herself mistress of an empire which included the whole peninsula of Italy and provinces so remote as Spain, Africa and Macedonia. In the history of the *polis* this was something altogether new. To meet new needs the old forms demanded more than mere adjustment. Political innovation could not be escaped, and after long years of experiment the successful innovator was found at length in the person of Augustus. But in the second century B.C. the time was still far off when the constitutional question would be answered by a Principate, whose supreme achievement would be to make the empire and its government the first call on the energies of Rome. That happy ending was to be the outcome of another hundred years or more—a century which, from the violence wherewith the need for change forced itself on the attention of the world, is fitly called the century of revolution. For the present, the empire remained as it had been hitherto—an unparalleled excrescence on the fabric of a city-state. The main and most difficult problem—the problem of welding *polis* and empire into an organic whole—was shelved. The reasons for this delay were two. The problem itself had yet to become acute; and there were others which, though less grave, were at the time more urgent. One of these—that of the relations to be maintained between Rome and her allies in Italy—though Gaius Gracchus made an attempt to face it at least in part, was only settled by the Social War: the other—an economic crisis—it was the work of Tiberius Gracchus to tackle, and to tackle with some measure of success.

II. THE ECONOMIC CRISIS

Our authorities for the economic history of Italy during the earlier decades of the second century B.C. leave much to be desired. The bulk of their information is large: Cato's treatise *de agri* *cultura* is both contemporary and explicit on the subjects with which it deals, and epigraphic monuments yield facts of the first importance. Later writers too—even though so far removed in time as Appian and so prone as he to misunderstand their sources—give evidence which, so far as it can be tested, is sound. But all alike describe the reforms, or the difficulties which they were designed to meet, rather than the process by which these difficulties had been produced. The course of events which led up to the crisis of the Gracchan age can be recovered only by inference and surmise. Causes which contributed to the final result may be divined with confidence, but the relative importance of their respective contributions can never be precisely determined. The complexity of Italian economic developments during this period offers a dangerous temptation. Plausible dogmatism about details is easy, but it is forbidden by the nature of the evidence. All that is possible is to describe in a general way the position which Tiberius Gracchus was inspired to face, and to indulge in speculation about its origin—remembering how much is mere conjecture—only so far as speculation of such a kind is an essential background to any rational version of the programmes formulated by him and his successors.

Italy in the early days of the Republic had been a land of small farmers, engaged in producing food for themselves and their families, with perhaps a small surplus for sale in the local town if one were to be found conveniently near. By the middle of the second century B.C. a transformation had been wrought. Though the small farmer had by no means disappeared, in many parts of the country he had given place to men who made an income—not large, indeed, but handsome for its day—by working estates of some dimensions. Of the use to which these broad acres were put no brief account can be wholly true, but it is clear that to a great extent, if not predominantly, they were employed for grazing. Pasturage and the *pecuarii* whom pasturage implies are a recognized feature in the life of Italy after the Second Punic War: old Cato[1] seems to have preached that, at least in certain parts of the peninsula, pasturage, whether good, bad or indifferent, paid better than any of its rivals; and when Popillius Laenas[2] records that his business—apparently in giving effect to the *lex agraria* of 133 B.C.—was to secure 'ut aratoribus cederent paastores,' he shows that it was stock-farming above all which was practised by the great land-holders whose holdings Tiberius Gracchus raided to provide land for his small allotments.

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[1] Cicero, *de off.* II, 25, 89; cf. Pliny, *N.H.* XVIII, 29. In *de agri cult.* I, 7, Cato has in mind the small home-farm of about 100 *iugera* on *ager privatus.*

[2] Dessau 23.

But though the decline of the small farmer is beyond dispute, and though it is clear that his arable husbandry was not continued by the rancher who absorbed his land, the causes of this change are to seek. Two, which have often been alleged, may be briefly dismissed. First, the competition to which the corn grown in Italy was subjected by importations from abroad cannot explain the failure of cereal production throughout Italy as a whole. Though it may be admitted that the coastal cities, such as they were, might use supplies from overseas, there is no evidence for extensive importation to any other place than Rome itself. But, once in Rome, grain can only have competed with the local produce in that part of Italy on which Rome had depended for its food before importation began—a region which cannot have extended much more than twenty miles from the city; and to that region—a trifling fraction of the Italian peninsula—the effects of foreign competition were almost wholly confined. Secondly, among the causes of the transition from corn-growing to pasturage no leading place can be given to the devastation wrought in the Hannibalic War. The ravages of invasion, even at their worst, are superficial: where land is good, they do not cause it to be abandoned, nor do they produce a revolution in the use to which the land is put, if that use is already the most remunerative. In the Champagne there are vineyards which have endured ravages worse than those of Hannibal: yet they do not remain derelict, nor have they been converted into sheep-farms. A change such as that which took place on the Italian countryside could not have been so widespread or so permanent had it not been sanctioned by the economic facts of the situation in which it occurred. Small farms devoted to the production of corn gave way to the grazing-ranch because grazing was more profitable; and if the land paid better under pasturage than under arable cultivation, pasturage was bound to advance at the expense of cereal farming, whether the land had been laid waste by war or not.

The soil of Italy varies widely in character and value; but, if the high Apennine be left out of account, in a brief description such as this it is enough to notice two rough classes into which the remainder of the country may be divided. First, on either side of the central ridge is a broad tract of rolling upland, which at times rises into hills of considerable height and at times is cut deep by river-valleys. Secondly, between this region and the coast is a plain which differs greatly from place to place both in breadth and in natural fertility. On the east coast it is generally narrower than on the west; and on the west there are to be found both the wretched soil of the Tuscan *maremme* and one of the richest regions in Europe—Campania. The better parts of the coastal plain may be grouped with a few inland tracts, particularly the broader valley-floors, as land of high productivity. The bulk of the hill-country goes with the poorer stretches of the plain to form a class of much less certain value. Land of this second type varied in character within the widest limits. One plot might be of great fertility, yet with neighbours scarcely worth cultivation, if on them the soil happened to have been washed thin. But on the whole, the soil was poor, and it was on this part of Italy—not everywhere, indeed, but in Etruria and still more in the south—that pasturage tended to spread at the expense of arable farming, because pasturage paid best of all the uses to which such country could be put.

Ranching, however, in its most profitable form demanded large estates. Apart altogether from the greater efficiency which rural operations on a large scale can show against their less pretentious rivals, there was a peculiar circumstance in Italy working to make the ranches big. The climate of the peninsula and its physical formation combine to make it desirable, and in some places even necessary, that a grazier should control feeding-grounds at different levels. For the summer months pasture is needed on the hills, and for winter on the lower ground. If both kinds of grassland were to be found within the limits of a single ranch, its limits must obviously be wide; but, even in cases where this was not possible, the grazier who could command two separate regions for use in winter and summer respectively was bound to be a man in an extensive way of business. Thus on this land of dubious value the raising of beasts was the most profitable occupation; and it was a business which to be its best must be conducted on a considerable scale.

At this point there arises the question of finance. Ranching in the grand manner cannot be begun without the help of capital, and for that reason the conversion of their land to pasturage in its most advantageous form was beyond the means of the smaller peasants. But into the pockets of certain sections in the Roman population capital had flowed in an abundant stream during the fifty years which followed the Hannibalic War. Great and memorable distributions of booty did something to place large sums of liquid cash in the hands of potential investors: the demand for productive securities must have been severe when, in 187 B.C., the equivalent of a *tributum simplex* for twenty-five years was refunded:

and again it is difficult to avoid the conclusion that the final abolition of the *tributum* in 167 B.C. increased the investing power of the population. More powerful still, however, was the effect of those opportunities for making money which the permanent possession of provinces gave to the imperial people. Officials did not come home empty-handed, and the rising class of commercial adventurers had already embarked on those widespread and remunerative operations which by the end of the century were to become a powerful influence on the foreign policy of Rome.

The liquid wealth which these circumstances concentrated in Roman hands produced its usual effect. In a world which had yet to learn the value of a national debt and the financial system of which that debt is the foundation, land was the one gilt-edged security[1]. A sudden influx of wealth was followed by a sudden rush to invest it in the soil, and in Roman territory of the second century B.C. such investments were not difficult to find. The antiquated arrangement whereby Rome in this period was fighting the wars of an empire with the army of a city-state made the lot of the small-landholder hard to a degree. He was summoned for service in the citizen militia; but, instead of the brief campaign for which such a militia was designed, long wars now generally awaited him in theatres often far removed from home. In his absence the family holding fell into neglect. At best, the work was carried on with success enough to keep starvation from the door: at worst, the farm was seized either for debt or by the mere violence of some powerful neighbour. And in what we may conjecture to have been the majority of cases in which these humble soldiers found their land intact when they returned, they found it in a condition the reverse of encouraging. The labour needed to restore the family fortunes to the condition in which they had been before the call to arms, and the prospect that such labour might soon be thrown away by the outbreak of another war, left these weary veterans in no mind to resist an inducement to quit offered by some rich man who coveted their land to include in his broad domain. Indeed, the reluctance of the troops to return to their former homes had been admitted after the defeat of Hannibal; for its own good reasons the government had provided allotments in bulk and so had offered them a fresh start elsewhere. Thus it was—by the difficulties which the demands of military service put in the way of the humble farmers and by the amount of wealth which they produced to await investment, rather than by the actual devastation of the Italian countryside in the Second Punic War—

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[1] See Cicero, *de off.* 1, 42, 151.

that the military occupations of Rome contributed to the rural revolution.

It must not be assumed that the attentions of the rich were confined to the poorer land alone: operations on a larger scale than before—a sure sign that the investor has arrived—began on the better land as well. But on land of the second sort the coming of capital had a less noticeable effect, because the best employment of such soil—whether under corn, vines or olives—was possible even in an age when the units of cultivation were small. Only on the bad land, where ranching paid best, was the most profitable line of business denied to the poor. But everywhere alike the efficiency of the large estate made the big man ready to encroach, and with him he brought labour in its cheapest form. Successful warfare had made slaves both plentiful and cheap, and in the second century slave labour was driving free workers off the land. Moreover, a farm under grass notoriously owes some of its attractions to the smaller number of hands it needs than the same farm under plough; and thus, where there was a change from cereal cultivation to grazing, a part of the rural population was bound to be displaced. But the tendency of the new masters to use servile labour made the displacement far more violent than it need otherwise have been. Both on the bad land and on the good, wherever their presence was felt, they introduced their living tools and turned the old free workers adrift to fend for themselves as best they might.

Since there was no longer a livelihood to be got on the countryside, there was a movement to the towns—a movement which, it must be confessed, is not necessarily an evil. The influx from rural England to the cities at the time of the Industrial Revolution was far from being a disaster; but in England the newcomers were to be employed on production of manufactured goods for export. In Italy, as here, the cities could already meet their own domestic needs, and an export trade was the only hope of employment for the fresh arrivals. But in Italy this was impossible. The country was large and communications were bad: transport by land, as always, was a costly business: and even Rome itself could boast no serious port nearer home than Puteoli. If goods were produced, they could not be got to the quay; and so from exports no help was to be expected. Commerce abroad offered better promise. Among the swarm of Italian traders which at this time was spreading round the coasts of the Mediterranean doubtless there were some at least drawn from the population till recently employed in agriculture. But commerce could not absorb more than a fraction of these who needed work: for the rest, the dispossessed peasants, when they reached the towns, began to form an idle proletariate—useless to themselves, useless to their neighbours and—not the least serious consideration—because they were paupers useless to the State for military service under the existing organization of the army.

Yet their uselessness was not all; they were also an active danger. There is no need to rehearse in detail the many evil results which followed the concentration of unemployed in Rome, but one aspect of the case calls for special mention because it has not always received the notice it deserves. The pernicious influence wielded by the *plebs urbana* in the Assemblies of the Ciceronian age is a commonplace of history. Though the country-voters, even from districts so remote as Cisalpine Gaul[1], came to Rome at election-times in numbers sufficient to make their votes important[2], on more ordinary occasions throughout the year the great majority of those present at a meeting of the Comitia or the Concilium Plebis was drawn from the inhabitants of Rome itself or its immediate surroundings. Even these were lax in their attendance unless the subject at stake touched their personal interests[3], but it was they who filled the Forum when it was worth their while to appear. Thus, at a time when the Populus Romanus was slowly spreading over the length and breadth of the Italian peninsula, there was a danger that its sovran powers would be wielded by that fraction of the whole which happened to live within easy reach of Rome. But against this danger safeguards were not unknown. Since the reform of the Comitia Centuriata in the third century (vol. VII, p. 801) the voting-groups in all Assemblies had been formed on the geographical basis of the tribes, so that the members of an urban tribe, however many of them were present, had no more influence in determining the decision of the issue than such few citizens as might at the moment be in Rome from, for instance, the tribe Velina, whose territory lay on the Adriatic coast. But if members of the tribe Velina were driven by stress of economic circumstances to migrate to Rome and merge themselves in the urban proletariate, the constitutional consequences were grave. The vote of a distant tribe might come to be decided, no longer by those of its regular residents who chanced to be at Rome, but by men whose connection with it had in fact been severed and whose political outlook was that associated with the *tribus*

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[1] Cicero, *ad Att.* I, I, 2.

[2] Q. Cicero, *de pet. cons.* 8, 30.

[3] Cicero, *pro Sestio*, 51, 109.

urbanae. Thus, unless the censors used their power of transferring citizens from a rustic to an urban tribe much more freely than they seem to have done in fact, the tribal organization of the Assemblies must soon cease to prevent citizens in outlying regions from being virtually disfranchised by those who lived nearer Rome. It was doubtless considerations such as these which in one section of opinion had prompted the anxiety, familiar since the third century B.C. (vol. vii, p. 806), to see freedmen confined to the urban tribes (see further below, p. 96). Freedmen naturally tended to settle in Rome; and if those who came from the remoter parts of the peninsula were enrolled in the tribes of their patrons, the result would be the same risk of a tribal vote being unduly influenced by men who had no enduring ties with the locality of the tribe[1]. In the Gracchan age, however, the problem was raised by citizens of free birth who had drifted to the city. If large numbers of such could be moved back to the countryside, one of the many beneficial effects would have been to diminish an undeniable danger to an element in the Roman constitution by which the Gracchi set great store—the element which may in some sense be described as democratic.

The urgent problem was one of unemployment, and the unemployed were not to be found in Rome alone: their presence in the country towns is freely proved by the numbers who flocked to Rome in support of the agrarian programme. It must not be supposed, however, that the removal of the free peasants from the soil was complete. The census-lists show that in the twenty years immediately before the tribunate of Tiberius Gracchus the net loss of citizens eligible for recruitment in the army—whether by pauperization or by other causes, such as emigration from Italy—did not exceed seven per cent.; but seven per cent. of the Roman citizen body concentrated in the cities as unemployed, and particularly in Rome, would have been more than enough to present a problem sufficiently acute to explain all the energy of the measures taken for its solution. And it was in the cities that the problem arose.

The seat of the trouble for which Tiberius Gracchus essayed to prescribe has sometimes been wrongly sought in the country instead of in the town. Plutarch[2], in his solitary quotation from a pamphlet ascribed to Gaius Gracchus, preserves the story that the need for economic reform was first borne in on the elder brother when, in 137 B.C., he was travelling through Etruria on his way to Spain. The deserted landscape, in which such labourers as could be seen were foreign slaves, started his thoughts on the course which led to the legislation of his tribunate. But this does not prove that Tiberius was an agrarian reformer in the ordinary sense. If agrarian reform means an effort to convert land to a use financially more profitable than the present, then the programme of Tiberius cannot claim the name. He did, indeed, choose a *lex agraria* as the means for the attainment of his end; but it was a means and nothing more. The end itself—or the main end, if Gracchus had several before him—was a reduction of the pauper proletariate of the towns, as Plutarch suggests when, in the following sentence, he says that an even stronger incentive to Tiberius than the sight of the Etruscan desolation was the steady appeal of the poor—apparently in Rome—for grants of public land.

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[1] On this question see Livy ix, 46, 11 *sqq*. and Diodorus xx, 36, 4.

[2] *Gracchi*, 8, 4.

If the maximum profit from the soil was all that mattered, large estates, whether used for ranching on the bad land or for other purposes on the good, were justified beyond dispute. But farm accounts were not the only consideration. The citizens might reasonably claim a say in the use of at least such land as was the property of the State, and they might rightly criticize an agricultural system which, however financially attractive, inflicted grievous hardship on an essential section of the population. As Greenidge observes, 'an economic success may be a social failure'[1]; and such was the situation which Tiberius Gracchus set himself to face. Determined to meet the demand for land on which men at present unemployed might for the future earn their livings, he introduced a law to authorize the distribution of public land in small allotments, even though this meant that the soil of Italy would thenceforward yield a less bountiful return than under the existing system. When Appian says that the programme of Gracchus had moral, not economic, welfare as its aim[2], his words contain more truth than some historians will admit. Nevertheless, whatever economic loss might be, the sacrifice was justified. If the Gracchan scheme could be carried to success, a livelihood would be found for the growing mass of unemployed, the number of substantial citizens—on whom alone under the prevailing system the army was supposed to draw—would be increased, and Italy would lose some fraction of its slave population, which by now was becoming a pressing danger.

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[1] *A History of Rome*, vol. I, p. 59.

[2] His proposals were directed *οὐκ ἐς εὐπορίαν ἀλλ' ἐς εὐανδρίαν*: *Bell. Civ.* I, 11, 43.

III. THE FIRST SERVILE WAR

Such in brief was the situation which called for treatment. The details, so far as they need attention, will for the most part be discussed in connection with the Gracchan proposals; but one of the problems presented by slavery demands separate attention. The invasion of the countryside by gangs of slaves had done something more than produce that unemployment among the free population which has been noticed already: to some extent at least it imperilled the whole safety of society by concentrating in rural Italy large bands of desperadoes who, if they were to combine against their masters, might form an army of the most menacing dimensions. In Italy itself ominous risings had occurred during the twenty years which followed the defeat of Hannibal (vol. VIII, pp. 351, 379), and Italy was not immune from repercussions of the latest and most violent upheaval. But Sicily was the seat of the unrest which, when Tiberius Gracchus became tribune, had become so grave as to call for the presence of a consular army; and, even if the trouble had been confined to that island, Sicily was near enough to Rome for it to have been impossible that Gracchus should fail to see the advantage to the public safety which a reduction of the slave population would bring.

Three centuries and more had passed already since Sicily for the first time served as the cockpit of the Mediterranean. As early as 480 B.C. the Greek victory over the Carthaginians at Himera had produced a glut of slaves[1], and the military character of Sicilian history thereafter had helped to maintain the supply. And not only were slaves freely to be found: Sicily was in the closest contact with Carthage, and from Carthage the Sicilian Greeks, whose example was followed in due course by such Romans as found Sicilian land a profitable field for investment, seem soon to have picked up the practice of using slave-gangs to supply the necessary labour on their estates. In the second century B.C. no more than about a fifth of its surface was under corn, though such was the fertility of the island that even this was enough to justify its being called, as later it was by Cicero, 'a granary of the Roman People.' Of the rest, by far the greater part was devoted to the usual pasturage; and, though it cannot be doubted that slaves were freely employed for arable cultivation as for all other forms of labour in the island, it may be surmised that the herdsmen on these wider lands, as always, were the most dangerous section of the servile population. They were the hardest to keep under close control, and it was they who had the best opportunity to start an insurrection, whatever might be the sources from which it drew recruits when once begun.

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[1] Diodorus XI, 25, 2–3.

There is no need to dwell on the brutality and degradation to which the victims of this system were subjected. Though there were favoured exceptions, it is difficult to conceive any lower depths of misery than those which were fathomed by the mass of these plantation-slaves. The hardest lot of all fell to those engaged in arable cultivation, but even the herdsmen, whose occupation inevitably demanded some degree of freedom, were left to shift for themselves and keep body and soul together as best they might by brigandage or any other means. That they made the country utterly unsafe for its free inhabitants and for the casual traveller was the least serious consequence of their presence: what mattered more was that nothing but a leader was needed for them to become a powerful army threatening the whole established social order.

From the middle of the second century B.C. Sicily had been shaken by sporadic outbreaks which finally, towards the autumn of 135 B.C., culminated in a rising far surpassing any that had gone before[1]. There now appeared a leader of ability beyond dispute—one Eunus, a native of Syrian Apamea, who was slave of a citizen of Enna named Antigenes. Eunus was a man devoid of military gifts, but it is clear that it was he who converted the spasmodic outbursts of discontent into a rebellion which called for the most vigorous action by armies of the Roman People. What he lacked in military skill he made good in vision and personality, whereby he was able to inspire his followers with a reverence which he did not scruple to increase by claims to inspiration and by a few simple devices of the medicine-man. Eunus was the prophet of better things who managed to transform a horde of slaves into a formidable fighting force.

The movement began near Enna on the estate of a Siceliote named Damophilus—a man renowned for his brutality even in a society whose heart was hard. A plot was hatched; Eunus announced the favour of the gods; and one night four hundred conspirators mustered outside the city. Then in the darkness Enna was stormed, and there followed a massacre of the free population. Later on the survivors were reviewed at leisure; and though a few chosen spirits known for their humanity towards the slaves were spared, of the rest all but those who could forge arms for their new masters were summarily put to death. The success of this initial move was wisely exploited by Eunus to strengthen his own influence. He himself became king and took the honoured name 'Antiochus'; his concubine was dignified with the title 'queen'; and his people were to be known collectively as 'Syrians'[1]. At the same time some of the ablest rebels, among whom a certain Achaeus was outstanding, were formed into a Council of State; and from this point onwards it is Achaeus who directs operations, while Eunus, withdrawn into regal seclusion, provides a focus for the common allegiance on which the unity of the movement depended. The first business of Achaeus was to build up his forces. Accordingly, all the *ergastula* within reach were opened without delay, and in three days the original four hundred had swelled to six thousand. But the force still grew apace, and about a month after the capture of Enna it received a notable accession from an unexpected quarter. Fifty miles south-west of Enna lay Agrigentum, the greatest city on the south coast of the island, and here by a stroke of luck a new base was acquired for the cause. Among the slaves of that region was a Cilician named Cleon, who combined the practice of highwaymanship with his more proper duties of horse-keeping. This individual was moved by the news from Enna to emulate the exploits of Eunus by seizing Agrigentum[2]. Yet such was the prestige of Eunus that, despite the success of his independent *coup*, Cleon made no attempt to establish a rival power: with a self-sacrifice which does credit to his intelligence he offered himself, his men and all the resources at his command to the leaders of the original revolt, who thus found another five thousand troops at their disposal. And still recruits came in, until at length, when first they fell foul of a Roman army, the insurgents numbered twenty thousand.

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[1] Chronological certainty is impossible. For the most comprehensive recent study of the chronological problem see E. Ciaceri, 'Roma e le guerre servili in Sicilia' in his *Processi politici e relazioni internazionali*, especially pp. 70 *sqq.* In the opinion of the present writer attempts to show that the narratives of the First Servile War are corrupted by duplications of incidents in the second (see in particular A. Giacobbe, 'Sulle duplicazioni delle guerre servili in Sicilia' in *Rendiconti*, Serie VI, I, 1925, pp. 655 *sqq.*) have been adequately refuted by L. Pareti ('I supposti "sdoppiamenti" delle guerre servili in Sicilia' in *Riv. Fil.* N.S. v, 1927, pp. 44 *sqq.*).

From the outset it had been the policy of Eunus to win Sicily and hold it. For reasons which are not recorded, though they may be divined, he made no attempt to organize a return of the slaves to their homes in the East. Such a project can have had little to commend it, even if it were possible to prevail on the corsairs of the Mediterranean to provide the necessary transport. United the rebels had some hope of resisting Rome with success, but once they were dispersed to their native places they would fall easy victims to whatever punitive measures might be taken by the Roman government and its clients. Moreover, it is safe to assume that of the youngest and most effective members of the rebel force many had been born in slavery: for such men Sicily was home, and it is not to be supposed that they would have found a ready welcome in their ancestral cities. Thus the efforts of the leaders were directed to the strengthening and extension of their grip on Sicily. Tauromenium and Catana fell into their hands, and from this it may be inferred that the rich plain south of Etna lay under their control. The limits of their occupation are not accurately known, but it is of more interest to find that, wherever the slaves were established, their behaviour was of a piece with their general policy of building up a permanent power in the island. Looting was banned, property was spared, and the responsibility for such damage as was done lay rather with the free proletariate, which made use of the occasion to vent its own resentment against the rich, than with the slaves themselves[1].

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[1] At Enna he issued coins with the name and royal title: see E. S. G. Robinson, 'Antiochus, King of the Slaves,' in *Num. Chron.*, Fourth Series, xx, 1920, p. 175. See Volume of Plates iv, 2, *a*.

[2] That Agrigentum fell into the hands of Cleon is strongly suggested by Diodorus xxxiv–v, 43.

Faced with a threat to sever from the Empire its oldest province, the Roman government was bound to take measures more drastic than those which in preceding years had barely sufficed to prevent sporadic risings from turning into open war. The dangers of the situation needed no emphasis: if they had, emphasis might have been supplied by the more or less contemporaneous outbreaks which occurred in other parts of the Mediterranean. There was trouble in Attica and Delos[2], as well as in many other places; and Italy itself was not immune[3]. A rising at Rome was of negligible proportions, but at Minturnae and Sinuessa the severity of the vengeance taken when order had been restored betrays the alarm felt by public opinion[4]. Evidence is lacking to support the view that these widespread signs of disaffection, to which the revolt of Aristonicus in Asia may be added[5] (see below, pp. 103 *sqq.*), reveal the presence of a single organization whose object was to secure a general revolution. Yet it cannot be denied that they had a grave significance. They served to show that conditions of slavery, at least in the mines and on large estates, were in many places so utterly bad that the victims were ready for recourse to violence to right their wrongs. A success for the insurgents in Sicily might have moved their fellow-sufferers elsewhere to feats of emulation whose consequences could not be lightly contemplated by upholders of the existing order. Strong action was demanded, and it was not taken too soon.

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[1] Diodorus XXXIV–V, 2, 48.

[2] Diodorus XXXIV–V, 2, 19.

[3] P. Popillius Laenas during his praetorship had already returned to Italy 917 fugitive slaves who had escaped to Sicily (Dessau 23).

[4] Orosius V, 9, 4.

[5] Diodorus XXXIV–V, 2, 26.

If the revolt at Enna belongs to 135 B.C., it was probably at the end of the same year that L. Hypsaeus faced the rebels with an army of 8000 men. He was outnumbered by more than two to one, and his defeat had the inevitable effect of giving fresh strength to the enemy[1]. The details of what followed are obscure. C. Fulvius Flaccus, consul of 134, came out to take command but met with no success. He was followed by L. Calpurnius Piso, consul of 133, who seems to have improved the discipline of his troops and to have made some sort of headway: the discovery at Enna of sling-bullets bearing his name suggests that he penetrated to the walls of the enemy's citadel[2]. It was left, however, for P. Rupilius, consul of the succeeding year, to win the decisive victory: Numantia had fallen in 133, and it is possible that one result was to set more troops free for use in Sicily. The attack on Enna begun by Piso may for the moment have been broken off; at any rate the scene of Rupilius' opening operations is Tauromenium. Tauromenium fell after blockade had reduced its garrison to the last extremity of starvation, and thereafter Enna itself suffered the same fate. Cleon was killed in a *sortie* from the city; Achaeus had already disappeared; and Eunus alone of the leaders contrived to get away. Thus in 132 B.C. the back of the revolt was broken, and it only remained to run down fugitive bands which might still disturb the peace. Accordingly Rupilius seems to have organized a series of flying columns which combed the country so effectively that Sicily soon enjoyed a calm unknown for decades. Eunus himself duly fell into Roman hands; but strangely enough he was allowed to live in captivity until he died a natural death. Drastic as the Romans had been in their punishments so long as the rising was a danger, once Enna had fallen their policy seems to have been one of restoring the rebels to their rightful owners: for a massacre of slaves meant confiscating the property of those on whose behalf Rome had taken arms. So ended the First Servile War, and the settlement was sealed by a re-organization of the Sicilian province. Rupilius was sent a senatorial commission of ten members[1] and with their aid he drew up a provincial charter—the Lex Rupilia—of whose arrangements, in judicial matters at least, we know something from the second of Cicero's speeches for the second *actio* against Verres.

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[1] Diodorus (XXXIV–V, 2, 18) certainly exaggerates when he says, if the text be right, that their army grew to be 200,000 strong; and the estimate of 70,000, given by Livy (*Epit.* 56), if it is meant to be the number of the whole body, is more plausible. But it is clear that the force now reached the most threatening dimensions.

[2] *C.I.L.* I², 847.

The episode belongs in the first place to the history of Sicily. During the rising of the slaves the island is said to have suffered even more severely than in the fighting with the Carthaginians[2], and the permanent effects of the upheaval were profound. It is difficult to escape the conclusion that the Servile Wars were the cause of that partial return to the ownership of land on a small scale, the results of which are visible in the following century[3]. But, on the other hand, its bearing on the general course of Roman history is direct. The war was in full career when Tiberius Gracchus entered on his tribunate, and it cannot have failed to lend a force, which the most indifferent must have felt, to his plea for a restoration of small farmers to some part at least of the Italian countryside.

IV. THE *AGER PUBLICUS*

When the programmes of Roman politics demanded land for their fulfilment, the land to which their authors naturally turned was the *ager publicus populi Romani*—the accumulated product of Rome's advance in the Italian peninsula. After a successful war it had been the Roman habit to take from the vanquished enemy a fraction of his land which varied with the vigour of his resistance or the measure of his guilt. The revolt of Privernum in the fourth century (vol. VII, p. 589 n. 1) had been punished by the loss of two-thirds of the city's territory[4], but in the majority of cases Rome seems to have been content with half of this amount. Of the area thus acquired much had been converted already into private property. It was on *ager publicus* that Rome relied when a site had to be found for a colonial foundation, or again when individuals were to receive allotments such as those distributed on the so-called

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[1] Cicero, II *in Verr.* II, 13, 32 and 16, 39.
[2] Florus II, 7 (III, 19), 2.
[3] Cicero, II *in Verr.* III, 11, 27.
[4] Livy VIII, 1, 3.

ager Gallicus, first by the famous law of C. Flaminius in 232[1] (vol. VII, pp. 806 *sq.*) and afterwards in 173[2] (vol. VIII, p. 332), or again in southern Italy to the veterans of the Second Punic War[3]. Some, too, had virtually been sold, like that made over to the lenders in payment of public debts (*ib.* p. 112)[4]. But such land is irrelevant to the Gracchan legislation. Save what was surrendered to creditors—which technically remained public, though in fact it could not be resumed, all this land passed from the *dominium* of the Roman People and became the private property of the recipients. The *ager publicus* of the Gracchan age was only what remained after these large deductions—an area which did not exceed two million acres, or one-seventh of the territory of Rome. Yet not even the whole of this was affected by the Gracchan scheme: that much of it was left untouched we know from the law of 111 B.C.[5]

Like the soil of Italy as a whole, that part of it which still was the property of the Roman People fell naturally into two sections —the good and the comparatively poor. The better land was a valuable asset: that part of it which lay in Campania and was known as the *ager Campanus* is even said by Cicero to have produced revenues that were an important item in the finances of Rome so late as 59 B.C. And because it was valuable, it was kept under proper control and let on definite leases by the censors[6]. If they did their duty—and we need not suppose that they regularly failed[7] —the richer parts of the *ager publicus* must have been immune from the abuses which arose elsewhere—a fact which will explain their apparent exemption from the attentions of the *lex agraria*. But with the poorer class of public land—the land on which arable cultivation was precarious and where pasturage was generally more profitable (see above, p. 5)—the case was different; and it was with this that the Gracchi were concerned. Its value was not high and its quality varied from place to place. If it was to be let effectively at the highest rent it would sustain, a survey of the imperial type was needed; and that such a survey was impossible was one of the many unhappy features of the time which were due to the lack of an adequate civil service. Nevertheless, State property could not lie idle, and in the helter-skelter of expansion a rough and ready means of using it was devised. Public announcement was made that country of this sort was vacant, and the right to squat thereon was offered to anyone—perhaps even though he were not a Roman citizen[1]—who was prepared to pay the State a fixed fraction of the produce which land so occupied might yield. The offer was eagerly accepted, but the State control was slight: and, whether from the outset or in course of years, estates in these regions grew to large dimensions.

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[1] Polybius II, 21, 7–8.

[2] Livy XLI, 16, 9; XLII, 4, 3–4.

[3] Livy XXXI, 4, 1; 49, 5.

[4] Livy XXXI, 13.

[5] Bruns, *Fontes*[7], 11.

[6] Appian, *Bell. Civ.* I, 7, 27.

[7] There had indeed been a certain laxity in Campania before 172 B.C.: see Livy XLII, 19, 1.

Tenants of *ager publicus* held their *possessiones* for the consideration of a rent (*vectigal*). On land of the better sort this was fixed by the censors for each individual holding, generally, we may assume, in cash[2]. Not so, however, on the poorer ground. Here, according to Appian's account[3], the terms offered to prospective squatters had been that they should pay as rent a varying amount determined from year to year by the use to which their holdings were put. For plough-land the payment was a tithe of the annual produce; for vineyards, orchards and garden plots a fifth. Graziers alone paid dues which were set from the first in cash, and these were fixed as a poll-tax on the stock—at rates which differed with the nature of the beasts. Under such a system the difficulty of agreeing the sums due was enough to encourage laxity in collection. The rigour with which these rents were exacted is a matter of some obscurity: that they had been wholly forgone during the financial stringency of the early second century is improbable, but when they were imposed again in 118 B.C. Appian suggests that legislation was required[4]. Unless these dues had been remitted by Tiberius Gracchus, which is not impossible (see below, p. 25), it must be assumed that before his time their collection had become slack; but even if rent had still been regularly paid, the readiness of the Romans to acquiesce in the conception of *ager privatus vectigalisque*—land private and yet yielding rent to the State—is enough to show that its payment was not incompatible with the central fact about land in this position. That fact was the tenants' belief that, in practice if not in theory, it was their private property. If rent were expected, rent might still have to be paid; but, so long as this was done, they felt secure against eviction. The date of the various praetorian rulings on this point cannot be determined with precision, but it is in every way probable that already by this time there had been established the interdicts which guaranteed against ejectment by rival claimants[1] and even authorized the passing of tenancies by bequest[2].

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[1] It is difficult, if not impossible, to explain the sequel to the agrarian legislation of Ti. Gracchus, unless a certain amount of the *ager publicus* was occupied by individual members of the allied communities, whether such *possessio* by non-Romans was strictly permitted by law or was due to a mere custom which had been allowed to grow up.

[2] That the censorial *locatio agri* was, among other things, a lease of the land to tenants and not, as Niebuhr held, merely a lease to *publicani* of the right to collect the *vectigalia* therefrom, is strongly suggested by various pieces of evidence, of which perhaps the most cogent is the application of the phrase [agrum con]ductum habere' to *possessores* in Bruns, *Fontes*^{7}, 11, l. 32. For a discussion of Niebuhr's account, see E. G. Hardy, *Six Roman Laws*, pp. 86 *sqq*.

[3] *Bell. Civ.* 1, 7, 27.

[4] *Bell. Civ.* 1, 27, 122.

Nevertheless, even if the State did not desire to get its land in hand—which in theory it might do by merely giving notice to quit—the legal position of the tenants was by no means always sound. Since the legislation of C. Licinius and his colleague L. Sextius in 367 B.C. (vol. VII, pp. 538 *sqq.*), occupiers of public land, in whatever class it fell, had been subject to restrictions in the amount which any individual might hold. The maximum originally fixed in the fourth century and the detailed history of later modifications, if such were made, are alike uncertain, but it may be said on the authority of Cato[3] that in 167 B.C. the figure was still supposed to be one of five hundred *iugera* (roughly three hundred acres), though the provisions of the law may no longer have been observed. There were easy methods of evasion. Plutarch[4] and Appian[5] both record that land-holders who had already reached the limit contrived to extend their holdings still further by employing relatives or dependents as bogus lessees; and by the tribunate of Tiberius Gracchus the administration of the law seems to have become so casual that even these formalities were in most cases omitted. Thus, when land was needed for distribution to the poor, means of obtaining it were at hand. If *possessores* were deprived of all that they held beyond the maximum allowed by law, the amount of land set free would be enough to provide small allotments on a considerable scale.

V. TIBERIUS GRACCHUS AND HIS CONTEMPORARIES

Tiberius Gracchus was not the first to recognize the abuse. According to Plutarch[6], the question of the public land had already been broached by the younger Laelius—we may assume in some year between his tribunate in 151 B.C. and his consulship in 140 B.C.; but the reception of his scheme had been so hot that, with the caution which not infrequently paralysed the beneficent plans of Scipio Aemilianus and his friends, he allowed his proposals to drop. Thereby, Plutarch holds, he won the title 'Sapiens.' It must be admitted that Cicero knows nothing of all this, and that in repeatedly connecting the *cognomen* of Laelius with his character and attainments, rather than with any political discretion, he seems to have the contemporary authority of Lucilius on his side[1]. But in its general drift the story is not improbable. By the middle of the second century the dangerous growth of unemployment had reached dimensions which could not escape the notice of observant men; and that they should have seen the danger and made none but the feeblest efforts to meet it is characteristic of the honourable but easy-going *coterie* which takes its name from the younger Africanus. Effective action was left to another of the political groups, though to one not unconnected with that of Scipio.

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[1] Festus, p. 260 L.; Cicero, *pro Tullio*, 19, 44.

[2] Cicero, *pro Cluentio*, 60, 165.

[3] Frag. 95e P.

[4] *Gracchi*, 8, 2.

[5] *Bell. Civ.* I, 8, 34.

[6] *Gracchi*, 8, 3.

The Gracchi were a family which had risen to prominence so late as the Second Punic War, and its most famous member hitherto was Tiberius, the father of the two reformers. Though he did not always approve the conduct of his father-in-law, this man had married the daughter of the elder Africanus and had befriended Lucius Scipio, under whom he had served in Greece, at the time of the Catonian attack (vol. VIII, p. 371). With culture which enabled him to deliver a speech in Greek he combined a simple severity of life which made his censorship an occasion to be remembered among the more advanced sections of society; and to these domestic virtues he added military prowess of no mean order. The triumphs which rewarded his achievements in Spain and Sardinia had been fairly won, but he had a still stronger claim to fame in the character of his provincial government. During his service abroad, and particularly in Spain, he had done much to raise the prestige of Roman arms, and he had wrought even better in winning for his country some sort of reputation for honesty and straight dealing. Such was the man who by a somewhat early death left the education of his family to his widow. There had been twelve children born, but of these only three—Tiberius, Gaius and Sempronia, the wife of Scipio Aemilianus—survived their youth. Under the guidance of their mother they received a training of the kind which might be expected from a lady whose father had been one of the foremost philhellenes in Rome and whose own hand was sought by a reigning Ptolemy. She was not content with the elementary teaching which for Cato's son had been enough: the young Gracchi were to sit at the feet of men who could expound the culture and the political experience of Greece. If it may be assumed that from their Hellenic teachers the two brothers derived the undoubtedly Hellenic ideas which appeared in their public life at Rome, those teachers can claim a place in Roman history. Blossius of Cumae, who came of a stock which had possibly provided the leaders of the Capuan rebellion in 210 B.C.[1], had studied under Antipater in the Stoic school at Tarsus—perhaps with Panaetius himself: another, Diophanes, was a Mytilenaean and one of the most famous rhetoricians of his day. The early training of the Gracchi was not unworthy of their ancestry and their connections.

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[1] Cicero, *de fin.* II, 8, 24.

The active career of Tiberius Gracchus opens with two events—his co-optation to a place in the college of augurs and his marriage to Claudia, whose father—Appius Claudius Pulcher, the Princeps Senatus—was not on the best of terms with Scipio Aemilianus. In spite of this, however, Scipio took the young man to Africa as a *contubernalis*, and there, at the siege of Carthage, he was introduced to war. Warfare awaited him again when, as quaestor in 137, he served under C. Hostilius Mancinus in Spain. The diplomatic difficulties which arose when, by the use of his father's reputation, he saved the Roman army when it could not save itself, belong to another story (vol. VIII, p. 320 *sq.*); but the Spanish episode in his life deserves notice here for a double reason. It was on his journey towards Spain that Tiberius is said to have observed the conditions in Etruria which turned his thoughts in the direction of agrarian laws, and it was his salvation of the army at Numantia which, at least among the dependents of the troops, did not a little to win him that wide affection which he afterwards enjoyed. The months which followed his return to Rome must have been largely occupied by the discussions which ended with the consignment of Mancinus to the mercy of his enemies in Spain; but by the middle of 134 Tiberius was ready to set his hand to the task of social reform. He was elected tribune in the summer, and on 10 December the memorable year of office began.

In the task which his enthusiasm had chosen to attack Tiberius' youth was not without the support of age. Blossius and Diophanes supplied advice which, if not always judicious, might at least have claimed to be detached, and to their exhortations were added others from sources more responsible. Though the conservatives were inevitably hostile and the Scipionic section was from the first lukewarm, Tiberius had friends of his own among the oligarchs. His father-in-law was one; but a quarrel with the *patres* about a triumph less than ten years before must have done something to detract from the proper influence of the Princeps Senatus. More serious was P. Licinius Crassus Mucianus, who had become by adoption the leading member of a family already famous for its wealth and who was soon to be Pontifex Maximus. Crassus seems consistently to have lent the scheme the weight of his great prestige, and even after the murder of Tiberius his appointment to the vacant place on the agrarian commission was regarded as a concession to the Gracchan party. His brother, who also lived to hold the office of chief pontiff—P. Mucius Scaevola, one of the two leading jurists of his day—was likewise well-disposed; but though, when they were clamouring for Tiberius' blood, he refused as consul to countenance the violence of the diehards whom afterwards he upheld, Cicero[1] suggests that his sympathy for the Gracchan cause had never found the most outspoken expression. If Plutarch's tale of Laelius is not wholly false, the evil to be attacked was one whose existence the Scipionic party could not well deny; and, when men like Appius Claudius, Crassus and Scaevola were on the reformer's side, the proposals he produced could not lightly be brushed aside as the fantastic dreamings of too generous youth.

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[1] Livy XXVII, 3, 4–5.

VI. THE *LEX AGRARIA*

The *lex agraria* was a simple measure, designed to provide allotments for the poor. To find land for distribution it proposed that the State should deprive its tenants of all *ager publicus* held in excess of a maximum fixed by law. It has been said already (p. 19) that such a maximum was set by the Licinian-Sextian legislation in the fourth century, and that it seems still to have remained in theory down to Cato's time. But though the provision was to be revived and enforced, it was to be revived with a qualification of which there is no hint before. The practice whereby *possessores* exceeded the legal limits in the extent of their holdings by using relatives or dependents as bogus lessees (p. 19) was not in all instances an equal abuse. The father of a family whose surplus land was held by sons of age was clearly in a stronger position before public opinion than the bachelor who employed freedmen to hold an estate from which his profits might be increased; and it was to the credit of Tiberius that between such cases he sought to distinguish. Though in theory the old limit of five hundred *iugera* was to be restored, tenants who had sons were to be allowed an additional two hundred and fifty for each[1]—possibly with the provision that no holding should thereby be made to exceed one thousand in all[2]. Of this concession the majority could doubtless take advantage. And not only so. As a set-off against the reduction of their estates, such land as the old *possessores* retained was to be held for the future not in precarious occupation, which might at any moment be terminated by the State, but in perpetuity without the payment of *vectigal*[3].

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[1] *pro Plancio*, 36, 88; *Acad.* II, 5, 13.

Whatever the legal implications of this provision, its effect was undoubtedly to convert these holdings from *ager publicus* into what was, for all practical purposes, private property. That the terms offered by Tiberius were better still, and that he proposed to compensate tenants for improvements made on the land to be surrendered, cannot be alleged with confidence. The vague expression of Plutarch[4] is perhaps no more than a garbled version of the arrangement for perpetuity of tenure more accurately recorded by Appian, though it may be conjectured that, had he proposed the purchase of such improvements by the State, Tiberius might have been following a precedent conceivably set when some Campanian land was resumed about 166 B.C.[5] But even without such monetary compensation, the concession made to tenants with sons, and the alienation by the Roman People of such land as these tenants were to retain, are provisions of generosity enough to show that the *lex agraria* was no narrow measure conceived in a spirit of petty hostility against the class on which fortune had smiled in the past.

The land thus rendered vacant was to be distributed to the poor in allotments of uncertain size: Mommsen inferred from the extant law of 111 B.C. (Bruns, *Fontes*^{7}, 11, l. 13) that none was to exceed thirty *iugera*, but the story of similar grants in the past suggests that the majority of the plots were less extensive than this. In any case, since the law was framed at a time when neither the number of potential recipients nor the amount of land available was known, it is difficult to believe that the measure itself fixed any standard area for the small holdings. That matter was probably left to the discretion of the executive; but in a more vital issue rigorous provision was made. If the scheme was not to be a farce, means must be found to ensure that its benefits should reach their proper destination and not fall into the hands of any enterprising opportunist who might ask for land in order to raise ready cash by immediately assigning his tenancy. For this purpose Tiberius enacted that the holdings awarded under the Lex Sempronia, though capable of passing by inheritance, should not be alienable by transfer for a consideration; and, possibly in order to keep alive the State's *dominium* without which this provision could not be effectively enforced, he seems to have insisted that the tenants should pay a rent[1]. To answer the familiar question whether Tiberius intended his veto on alienation to be permanent is more than the evidence allows. But nothing known of him lends colour to the assertion that he committed himself to an economic absurdity, nor was the purpose which the clause was clearly meant to serve more than temporary[2]. It is impossible to prove, and not easy to believe, that, had Tiberius been alive in 121 B.C. when the enactment was repealed after its work was done, he would have offered opposition.

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[1] Appian, *Bell. Civ.* I, 9, 37; 11, 46. [2] Livy, *Epit.* 58; *de viris ill.* 64, 3.

[3] Appian, *Bell. Civ.* I, 11, 46. [4] *Gracchi*, 9, 2.

[5] Cicero, *de lege agr.* II, 30, 82; Licinianus, p. 9 F.

VII. THE INTERVENTION OF M. OCTAVIUS

Such was the Lex Sempronia agraria—a drastic measure to deal with a serious social evil, and yet at the same time one which inflicted no unnecessary hardship. Once the method of land-allotment had been chosen as the means whereby employment was to be found, it is difficult to see how it could have been more fairly executed. Inevitably, when abuses have taken root, they cannot be eradicated without a wrench; but the force used by Tiberius was, initially at least, applied with gentleness, and the concessions he made to vested interests would justify from a less partial historian Plutarch's judgment that 'to meet illegalities and greed on such a scale there had never been drafted a milder law or a less violent[3].' But, in spite of this, resistance was strong: the great *possessores* bulked large in the Senate, and the Senate had recourse to its usual device. When the bill came before the Concilium Plebis a tribune was found to exercise his veto—one M. Octavius, a youth whose character would bear inspection and who is said by Plutarch[1] to have been a personal friend of Gracchus. The results of this opposition were grave. First, it seems that Tiberius, in resentment at finding petty partisanship endeavouring to wreck a measure conceived in the broad-minded spirit of a statesman, amended his bill to give it a tone more in harmony with the sectional spite of his opponents. Plutarch, who alone records that the bill was passed in something other than its original form[2], does not explain the alterations; but it is clear that, unless Plutarch is completely wrong, the concessions made to existing *possessores* were reduced. The nature of the change can only be conjectured. It appears from the subsequent course of agrarian history that the land such people were allowed to retain did not become their private property until 111 B.C.; but, though these holdings of 500 *iugera* were left by Tiberius in the category of *ager publicus* where he found them, such evidence as we have suggests that he did not in these cases revive the claim to a *vectigal*. A rent was demanded from occupiers of this class in 118 B.C., and unless some unrecorded remission had been given since 133[3] a rent cannot have been exacted by Tiberius. Thus it seems that the first result of factious opposition was to cause the withdrawal of the proposal that so much of their holdings as the old *possessores* were to keep should be converted into something which might be regarded as *ager privatus*: they remained tenants of the State whose tenancies might be still further curtailed in the future—as Gaius Gracchus perhaps proposed to do—though their position was still peculiar, because even now Tiberius did not insist on the payment of a rent. And besides this, it is almost certain that any offer of compensation for improvements on surrendered land which Tiberius may originally have made was forthwith dropped.

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[1] The only evidence for this is Plutarch's statement (*Gracchi*, 30, 2) made in recording that the exaction was abolished by Livius Drusus in 122 B.C. Though Drusus is said to have won some popularity by its remission, the amount of this rent cannot have been large.

[2] It is to be noticed that Caesar in 59 B.C. fixed twenty years as the period during which his allottees were to be prevented from selling their holdings (Appian, *Bell. Civ.* III, 2, 5 and 7, 24).

[3] *Gracchi*, 9, 2.

More serious, however, than these results of opposition on the vested interests in land were the consequences for the constitution. Tiberius did not, indeed, act with haste. To the first threat of veto from Octavius he merely replied with a general suspension of public business[4]; and even later he was still prepared to acquiesce in the suggestion made by two ex-consuls that he should submit the bill to the consideration of the Senate, which had hitherto been ignored. It was only when this last attempt at an agreement had met with its inevitable fate at the hands of the oligarchs that Gracchus mooted his drastic proposal to divest Octavius of his tribunate (a proposal against which no threat of veto is recorded). But, when milder means had failed and one course alone was left if Gracchus was not to be paralysed throughout his remaining months of office, that course he took with resolution. Reluctantly and with many appeals that his colleague should relent, but still without sign of flinching, he passed a *plebiscitum* whereby Octavius was deposed. Soon afterwards a successor was elected. The weapon of the obstructionists was broken in their hands and the way of the reformer lay clear.

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[1] But see Dio, frag. 83, 4.

[2] *Gracchi*, 10, 2. For the view that this story is mere invention see P. Fraccaro, *Studi sull' età dei Gracchi*, I (Città di Castello, 1914), pp. 96 *sqq.*

[3] It is hard to interpret Plutarch, *Gracchi*, 30, 2, as meaning that Livius Drusus abolished *vectigal* on the old *possessiones*, as well as on the new allotments.

[4] Plutarch, *Gracchi*, 10, 4.

On this action of Tiberius the most divergent judgments have been passed: indeed, the complexity of the Roman governmental system, and the difference between the practice and the imperfectly formulated theory, make it possible to argue with plausibility for almost any view. In the present place it will be enough to mention some of the leading considerations. Though the peculiar origin of the tribunate cannot be denied, the office had undergone an extraordinary change since its institution. With the successful issue of the plebeian struggles against the *patres* and with the subsequent legislation on *provocatio* the tribunes had lost their primary *raison d'être*; but when their services were no longer needed for the protection of the Plebs, other functions were found to justify their existence for the future. After the Struggle of the Orders, when plebeians began to make their way into the Senate, they brought to the new *nobilitas* a most powerful ally: the tribunate was refashioned and made into an invaluable check on popular assemblies whose powers, though not supreme, were dangerously great. Thus the tribunes became the 'mancipia nobilium[1].' Without the *rogatio* of a presiding officer, no assembly could act; but if magistrate and people were agreed on a measure, however pernicious to the State, the Senate, for all its prestige, in the last resort was powerless even to impose delay. Except for the extremely inconvenient methods of proclaiming a general suspension of business or faking unfavourable auspices, no check could be exerted but the veto of a tribune, and this was now the most important purpose for which tribunes had come to be employed. The negative and obstructive powers of the office made it singularly well suited to supply the conservative element in the State with an instrument of obvious value, and as a result of the services which they could render in this capacity the tribunes had entered more and more deeply into the constitution of Rome. To claim that the tribunes were not magistrates but merely officers of the Plebs was, in the Gracchan age as always, theoretically just; but at this time it would involve a somewhat academic appeal to the past, and it was a claim which, if its implications were pushed to their full extent, might have entitled its enemies to deprive the tribunate of several functions, acquired in course of years, which its supporters would have been reluctant to surrender. If Tiberius had claimed that tribunes were to be treated otherwise than as magistrates—and there is no evidence that such a claim was made—his interpretation of the facts could not be called less than pedantic. A less captious line of argument might have urged that the new conditions of the second century demanded that the tribunes should resume the functions they had discharged in the fifth and fourth. In ancient days they had championed the Plebs against patrician oppression, and now they might break with the recent past to render a like service to the masses who were suffering at the hands of the new nobility. But this again is an argument of which the authorities preserve no trace.

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[1] Livy x, 37, 11.

The passage in which Plutarch[1] implies that Tiberius attacked the whole principle of collegiality by asserting that, if colleagues disagreed, one or other might properly be deposed, cannot bear the stress which it has sometimes been required to support. The suggestion stands alone: it is unconnected with the arguments elsewhere ascribed to Tiberius: and it should probably be regarded as the thoughtless embellishment of an historian who did not appreciate the significance of his words. If this sentence may be disregarded, the attitude of Tiberius becomes more precise and more definitely democratic. He contended that, since he and Octavius were in diametric opposition, the voters might rightly depose whichever of them was thwarting the popular will. The contention carried with it a constitutional innovation of the gravest moment. The words in which Polybius[2] says that 'tribunes are supposed always to do what the People approves and above all to aim at the achievement of its desires' are capable of conveying more than was recognized in Roman practice: they certainly fail lamentably to fit the tribunate of the second century; and, unless they are prompted by Gracchan history, they must be taken as no more than a vague reference to the duties which the origin of the office might be interpreted to imply. Its business at the outset was admittedly to uphold the general interests of the masses; but from the fifth century onwards to the tribunate of Tiberius there is no hint that the tribunes were a mere executive appointed to carry out the wishes of the Plebs and in major issues were without a discretion of their own. In the Roman constitution the People were not completely sovran, nor were the magistrates, to whom the tribunes had become more and more closely assimilated, the mere agents of the assemblies. Sovranty rested with the People and magistrates in conjunction. Only by magistrates and People acting together could legislation be secured, and in this matter, as in others, magisterial and popular authority had always been treated as strictly co-ordinate. If the story of L. Brutus and Tarquinius Collatinus is an invention later than the Gracchi, no precedent could be quoted for the deposition by the People of a magistrate actually in office or of a tribune; and, even if such a step had been taken in the past, it would have been irrelevant unless the complaint had been the failure of the victim to carry out the wishes of his electors. In both respects it was left for Gracchus to make the new departure, and the change which he proposed was innovation indeed. The tribunes at least—and in the Gracchan age the curule magistracies could scarcely be unaffected by doctrines applied to the tribunate—were to be a mere executive. The tribunate was to be to the Concilium Plebis what the Cabinet is to the House of Commons, and the People was to wield a sovranty as complete as that of a Greek assembly, without even limitations like those imposed at Athens by the *graphe paranomon*. Tiberius Gracchus and his brother were perhaps the first true democrats in Rome—and, it may be added, the last.

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[1] *Gracchi*, 11, 4.

[2] VI, 16, 5.

To say that Tiberius brought to Rome something of the political experience of Greece is not to pass condemnation: Greek democracies had merits of their own, even though the unrestricted supremacy of the citizens assembled was not well suited to a State whose members were spread over so wide an area as the *ager Romanus*. Yet even the Athenians had checks of a kind, not strong enough indeed or wide enough in application: but at least legislation of a revolutionary kind was impossible so long as the constitution was not suspended or ignored. The sinister and alarming feature of Octavius' deposition was, not that it implied a degree of popular sovranty unknown at Rome before, but that, for all that Gracchus proposed, the sovran People was to be left to exercise its powers unchecked. If the tribunician veto could be evaded once, it could be evaded whenever it was applied to the programme of a demagogue; and in that case there was nothing to stand between the State and legislation however disastrous save expedients of a kind on which no reliance could be placed. A general suspension of business could not last for ever, and the age was one which would soon discover how to deal with attempts at obstruction by the announcement of ill omens. Tiberius Gracchus must not be condemned outright. His cause was good and the opposition was of a kind which deserved not the slightest consideration. But in the excitement of the fray and in the knowledge that he had the welfare of Rome at heart, he was led to take a step fraught with peril for the future. The unbridled supremacy of a citizen assembly is always dangerous, but it is doubly so when the citizen body is scattered so far afield that only a fraction of the whole—and that fraction not representative—is normally present to vote. Such power, though probably he did not appreciate the implications of his act, Tiberius was giving to the urban mob; and the gift was rash.

VIII. THE AGRARIAN COMMISSION

Once the resistance of Octavius had been broken, the land bill in its amended form was passed. To carry out its provisions a board of three commissioners was set up, and, apparently by a subsequent enactment[1], it was equipped with power to give judgments of legal validity in cases where the State's claim to the ownership of land was in dispute. The commissioners, in fact, were to have *imperium*—a circumstance which explains their mention among the magistrates in the Lex Acilia of 122 B.C. Another feature of their appointment has given rise to much controversy. According to Appian[2] the commissioners were to 'change every year'—a phrase which is generally regarded as a slight misrepresentation of an arrangement whereby the office was made annual, though the existing commissioners were always eligible for re-election[3]. It has been argued, however, that the meaning is wholly different, and that the reference is to an annual rotation of the presidency of the commission—a system whereby, if the president alone was indispensable to the progress of the work, any individual member might be free for other public duties, if he so desired, for two years out of every three[4]. The election seems to have lain with the Concilium Plebis; and when this met under the presidency of Tiberius, its choice fell on Tiberius himself, his brother Gaius who at the time was away in Spain, and his father-in-law Appius Claudius Pulcher. This family gathering was in one respect peculiar. Unless special exemption had been granted in the *lex agraria*, the election of Tiberius violated the provisions of certain laws which forbade the proposer of a bill to sit on any commission created thereby[1]; and that there was some such irregularity is suggested by the attempt of Livius Drusus in 122 B.C. to make political capital by a righteous refusal to take any part in the execution of his own measures[2].

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[1] Livy, *Epit.* 58.

[2] *Bell. Civ.* I, 9, 37.

[3] Strictly interpreted the words ἐναλλασσομένους κατ' ἔτος cannot mean that the original members should merely have to undergo the annual formality of re-election: they imply an annual change of *personnel*, which is not in accordance with the facts.

[4] See J. Carcopino, *Autour des Gracques*, pp. 125 *sqq.* If this interpretation is on the right lines, in the judgment of the present writer its author

Nevertheless the commissioners went to work and laid the foundations of an achievement whose dimensions must be considered later (see p. 43 *sq.*). But their course was not easy. By the methods adopted in the passing of the bills the Senate had been utterly antagonized, and before long its hostility found expression. In accordance with a long-standing custom none but a consul might draw on the public funds without express authority from the Senate, and now the Senate saw in its hold on the purse-strings an opportunity to obstruct the process of allotment. The commissioners themselves were refused all but the most ludicrously inadequate supplies to meet their own expenses, and for the more important purpose of providing capital wherewith the new yeomen might stock their farms nothing was forthcoming. But when the *tresviri* were in a predicament already acute, fortune came to the rescue[3]. There suddenly arrived in Rome a Pergamene named Eudemus, who brought with him a will wherein Attalus III had instituted the Roman People his heir. Here was a windfall which Tiberius could not afford to neglect, and in using it he raised a second constitutional issue. To the Senate's attempt to obstruct by employing against him its financial control he replied

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goes too far when he suggests that this rotation of the presidency was laid down in the text of the law itself and was not rather a private arrangement made among the members for their own convenience. Nor is it easy to believe that, when two commissioners out of three were present in Italy without other occupation, the available commissioner who was not president at the moment would refrain from all activity in connection with the work of distribution.

[1] For the Leges Licinia and Aebutia see Cicero, *de lege agr.* II, 8, 21; *de domo sua*, 20, 51.

[2] Plutarch, *Gracchi*, 31, 1.

[3] See Carcopino, *op. cit.*, pp. 35 *sqq.* for an attempt to disprove this story by showing that Ti. Gracchus died before Attalus III. A brief criticism of the argument will be found in *J.R.S.* XVIII, 1928, p. 229.

with a direct attack on its ancient claim to manage provincial and foreign affairs. What part of the bequest he proposed to hypothecate is uncertain, but a bill was introduced before the Concilium Plebis ordering that some of the wealth thus left to Rome should be set aside to provide for the needs of the new allottees. And, more serious still, the bill was accompanied by an announcement that the affairs of the Attalid Kingdom were no business of the Senate but that measures for their settlement would be laid by Tiberius himself before the People. That the bill to find capital for the smallholders from the revenues of Pergamum was ever passed we do not know: if it was not, we must assume that as a bare threat it was effective enough to break down the existing financial deadlock. But, whether enacted or not, the mere proposal of the measure had a deep significance as another assertion of the People's supremacy. Not only in issues of a domestic kind, like that at stake when Octavius was deposed, but in imperial matters too the Concilium Plebis was to be sovran in fact. And just as the check of tribunician veto had been removed from the activities of the People in purely Roman matters, so now the trammels of senatorial consent were to be destroyed where external affairs were concerned. In questions of provincial policy, where Rome hitherto had been blessed with a control on the waywardness of the masses more effective by far than that exercised in fifth-century Athens by the *boule*, the assemblies were to work their will for the future without let or hindrance. As before, the intentions of Tiberius were above reproach; but here again his enthusiasm led him to provide a precedent fraught with danger for time to come.

IX. THE DEMAND OF TIBERIUS FOR A SECOND TRIBUNATE

By now it was the summer of 133 B.C.; and when the election of tribunes for the following year was at hand, it seems that Tiberius, not without justice, regarded the position of the agrarian commissioners as still precarious. Accordingly he began to moot a proposal for his own continuance in office, and to this end Plutarch asserts that he developed a new programme of legislation[1]. The period during which citizens were liable for military service was to be shortened, *provocatio* was to be granted against the decisions of judicial commissions appointed by the Senate, and the jurors in the *quaestio repetundarum* were to be half senators and half 'equites,' instead of being wholly drawn from the Senate as at present. Such is perhaps the most plausible interpretation of the suggestions which Plutarch preserves; but his words are not explicit and other authorities do nothing to help their explanation. Indeed, Dio[1] alone among the rest of our extant sources lends confirmation to Plutarch's tale by so much as mentioning such further projects.

The programme is one which cannot with confidence be rejected: the need for some change in the regulations for military service was already acute (see below, pp. 133 *sqq.*), the enforcement of a claim to the universal right of *provocatio* is no matter for surprise, and the introduction of a new element into the juries of the *iudicia publica* may as well have commended itself to Tiberius as it did to his brother ten years later. On the other hand they cannot be accepted outright. The silence of Appian tells against them, and proposals which admittedly Tiberius never managed to enact are of all the features in his career the one most exposed to corruption. And when it is recalled that all three measures were later passed by Gaius, the possibility cannot be ignored that their ascription to Tiberius is an illicit retrojection, prompted partly by a desire of his detractors to load him with some of the unpopularity incurred by the still more objectionable Gaius, and partly by a widespread but erroneous assumption that the aims of the two brothers were to a large extent the same. But though the details are suspect, it is not improbable that Tiberius did in fact do something to provide a programme which would justify his re-election; and there can be no doubt at all that the new appeal to the electors was the occasion of his death. When they had failed in their various attempts to scotch the scheme of allotments, the oligarchs retired in sullen hostility to console themselves with the thought that this visitation would afflict them only for a year: in December 133 B.C. Tiberius would become a private citizen again, and then it might be possible with more success to burke a reform whose author would no longer be able to defend it with the authority of a tribune. To these calculations the re-election of Tiberius would be fatal. A second year might be followed by a third; and by that time, even if no new devilry had been started, the damage wrought to vested interests by the activities of the commission might well be irreparable. At all costs the re-election must be stopped; and so strongly were the oligarchs convinced of this necessity that to achieve it they had recourse to the basest methods of the mob.

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[1] Frag. 83, 7. The speech of Scipio Aemilianus *contra legem iudiciariam Tib. Gracchi* (Malcovati, *Orat. Rom. Frag.* 1, p. 240 *sq.*) must have been part of Scipio's attack on the agrarian commission in 129 B.C. (see below, pp. 42 *sqq.*), unless Macrobius (*Sat.* III, 14, 6) is completely mistaken in his attribution. It cannot belong to the tribunate of Tiberius: Scipio at the time of Tiberius' death had been in Spain since 134.

Had the office of Tiberius been a curule magistracy, no claim to re-election could have stood. In 180 B.C. the Lex Villia had imposed a drastic check on the progress from one curule office to another, and about the middle of the second century it had been enacted that no man might hold the consulship more than once (vol. VIII, p. 367). It is true that this rule had been relaxed in favour of Scipio Aemilianus in 135, but in the absence of such dispensation, the legal position as regards curule magistrates admitted no dispute. Tiberius, however, was a tribune, and in the days when the tribunes led the opposition to the patrician government, it had been a familiar practice, after a tribunician college had formulated some precise demand, to keep those tribunes, or their leaders, in office until the demand was granted. It is true that, since the most famous use of this device in the ten years before the legislation of C. Licinius and L. Sextius (vol. VII, p. 524 *sq.*), the need for it had gradually grown less until it had become a half-forgotten expedient of an age which was now remote: but, in spite of protests, the right remained, and there were even precedents for the re-election of a single tribune. It may be said with confidence that in the case of tribunes *refectio* had never been forbidden by law: not even the authorities most hostile to the Gracchi can quote any statutory bar. The Gracchan party were making a concession to their opponents when Carbo in 131 (see p. 38 *sq.*) proposed to legalize a re-election which no legislation forbade. But, as Great Britain was reminded in 1909, sudden insistence on a dormant legal right often involves dangers worse than its surrender; and the same is true of Tiberius' claim to a second tribunate. Though his position was sound in law, it compelled him to appeal from the present to a past whose precedents were to a large extent irrelevant.

Here again it is to be remembered that the tribunate owed much of its enormous power to its gradual assimilation to the curule magistracies; and, though it was strictly immune from conditions by which these magistracies were governed, an argument which depended on this theoretical immunity was one which, besides being pedantic, might soon recoil on its author. If the tribunes were for all practical purposes to be treated as magistrates, it was far from reasonable for them to claim exemption from what was perhaps the most important of all the rules by which magistrates were governed—the rule which alone stood between the Republic and a principate. By offering himself as a candidate at the elections in 133 B.C. Tiberius raised an issue of the first magnitude. It was an issue destined to force itself on public notice more insistently as the revolutionary age took its course, and destined finally to be settled by Augustus in the sense which Tiberius Gracchus had proposed. But, for all this, it is idle to suggest that the troubles of the next hundred years would have been avoided if Gracchus had been allowed his way. A principate provided the lasting solution of Rome's constitutional difficulties, and it was at some sort of personal pre-eminence that Tiberius seemed to aim. But between the position of Augustus, secure in the possession of *imperium*, and that of a tribune annually re-elected by the Concilium Plebis there was all the difference in the world. One could afford to snap his fingers at the clamour of the urban mob: the other depended on it almost entirely for his political survival. Gracchus was steering Rome straight for ochlocracy; and, though such an issue was probably far from his own intention, there was truth in the oligarchic allegation that, in the fashion familiar among the Greeks, this champion of the people was threatening to establish a tyranny. The tyrant, it is true, would be controlled by his supporters; but he would be none the less a tyrant for the fact that he was bound to fall if ever he forfeited the friendship of the *plebs urbana*.

X. THE DEATH OF TIBERIUS GRACCHUS

Much can be said in extenuation of the oligarchic resistance, but there can be no justification for the methods it employed. If ever the folly of political violence was proved by its results, that proof was given by the consequences which flowed from the murder of Tiberius Gracchus. When there at length arrived the day on which the election was to be made, the Senate met in the Temple of Fides, and at its meeting the presiding consul—P. Mucius Scaevola—was directly asked by P. Scipio Nasica, the Pontifex Maximus, to save the State and destroy the tyrant. To this demand Scaevola made the right reply—that he would do nothing illegal, but that if illegality were committed by the People he would refuse to regard the act as valid. By the contentions of Tiberius, Scaevola was not convinced. The claim to the right of re-election in his opinion was unsound, and if the Concilium Plebis went through the form of appointing Tiberius to another year of office the ceremony would be of no effect: but, in spite of this, it was inexpedient to stop the ceremony by force. To Nasica and his friends this was temporizing with revolution. Since the consul was betraying the State, they would uphold the banner of the constitution. And so the diehards set forth to inaugurate the rule of force. Tiberius was clubbed with the leg of a chair, three hundred of his supporters were done to death without so much as a pretence of trial, and the champions of the constitution could boast that they had shed the first blood drawn in civil war since the expulsion of the second Tarquin.

Tiberius Gracchus was a young man whose enthusiasm had carried him away. His intentions were of the best, though anxiety for the cause of social reform had led him to constitutional innovations which were ill-considered and impracticable. But even if it be admitted that his programme could not be enacted as it stood without injury to the State, the manner of his death stood as an indelible condemnation of the system which his opponents were claiming to uphold. The appeal of Tiberius was made by argument: the reply was made by force. If the rational demand for reform could be refuted by reasoned defence of the existing system, the use of violence by his enemies admits of no extenuation. If the suggestions of Tiberius, however dangerous their conclusions, could not logically be shown to contradict the fundamental principles implicit in the constitution, then the constitution was in need of change. In any case the fate of Tiberius Gracchus left his enemies convicted: if they were not unjust stewards of a system which was good, they were the worthy champions of a system which was bad. Such was the predicament in which the oligarchy found itself involved by the uncurbed folly of its extremists. Yet the Senate as a whole was not guilty in the first degree. Though Cicero can quote the consul Scaevola as one who approved the deed, Scaevola was on the side of law during the crisis itself; and though Scipio Aemilianus is said to have prayed that the fate of Tiberius might be shared by all who did the like again[1], it is difficult to suppose that he and his friends would have supported violence on the day of the elections. Yet if among the senators there was wisdom, folly was so widespread that wisdom could not prevail; and the oligarchy betrayed its latent weakness by recourse to bloodshed in a difficulty so slight that the sanctions of any stable constitution should have mastered it with ease.

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[1] Plutarch, *Gracchi*, 21, 4.

XI. THE RESTORATION OF SENATORIAL AUTHORITY

When the struggle at length was over and the oligarchs had emerged, battered but supreme, they set their hand forthwith to the task of repairing the damage. To have invalidated the *lex agraria* outright, on the ground that the deposition of Octavius, by which alone its passage had been secured, was illegal, would have been to raise an issue so complicated that the advantages of such a course were at best a speculation. Certainty of success there was none, and the Senate of the Gracchan age was experienced enough to refrain from staking its interests on a very dubious contention. There was a better way than this—to accept the land-commission for the moment and to wait for such opportunities as might occur of hampering its activity. But the commission was not the most sinister feature in the situation. Much as the senators disliked the economic programme of Tiberius, there can be no doubt that opposition owed its strength to the challenge which had been thrown down to the existing constitutional arrangements. To promulgate a bill which, so far from approving, the Fathers had not even discussed, to devise a short way of dealing with the veto of a conservative tribune, to submit financial questions from the provinces to the People direct, and to threaten the establishment of a system dominated by a popular tribune elected year after year—these were the crimes for which the Senate was most concerned to brand the memory of Tiberius. Imitators of these must at all costs be deterred: so a court was created with instructions to punish everyone proved guilty of aiding Gracchus in his pernicious undertakings.

This congenial task was entrusted to the consuls of 132 B.C.—men suited for their work by the union of a certain moderation with unshaken loyalty to the oligarchs. P. Popillius Laenas, though he came of a family with an ugly reputation for violence and brutality, did not shrink from boasting that he was the first to carry out the provisions of the Gracchan land-law[1]. His colleague, P. Rupilius, who left an honourable monument of his services in the charter of the Sicilian province, was a political friend of Scipio Aemilianus; and this connection, which was perhaps responsible for the presence of Laelius on the *consilium* of the consuls, is enough to suggest that, even though the egregious Nasica was a member too, the court would conduct itself with some sort of honesty and reason. Nevertheless, its orders from the

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[1] Dessau 23.

Senate were of the severest kind, and though the instructions 'ut in eos, qui cum Graccho consenserant, more maiorum animadverterent[1]' were not strictly interpreted to mean that the guilty were to be done to death by crucifixion (or scourging), by various methods, all of sufficient brutality, the active following of Tiberius was destroyed. His most distinguished friends, who naturally were not involved in the more violent incidents of the affair, were left untouched: no attack was made on Crassus or Appius Claudius, and Scaevola had atoned for earlier aberrations by the prudence of his consulship. But on the rest the court fell with a heavy hand: adherents of the cause were freely condemned, and those who contrived to evade arrest were banished without trial. Blossius alone of those who appeared before the court is recorded to have emerged alive, and even he thought fit to betake himself to Asia, where he died by his own hand on the suppression of Aristonicus two or three years later.

Thus the challenge to senatorial supremacy received an unequivocal reply, and admirers of democracy for the future were under no delusion about the penalty of failure in an attempt to impose it on Rome. Meanwhile one slight adjustment was needed to set the Senate's own house in order. Its enemies were not slow to suggest that the champions of the existing order had a curious friend in one who had led the lynching of an elected officer of the Plebs, protected by all the sanctity of the tribunate. In a crisis Scipio Nasica was a tower of strength to the craven-hearted constitutionalists; but now that the Senate had regained control his recent achievements made him a somewhat embarrassing ally. So weak was his position that he was even threatened with prosecution; and to the oligarchs, therefore, the rising of Aristonicus in Asia provided an opportunity not unwelcome. Clearly a committee of the Senate was needed to investigate the affairs of the province, and none could deny that on such a board Nasica might appropriately receive a place. So to Asia he was consigned, and in Asia he died.

Meanwhile the land-board was at work. The Senate did not interfere; and when the time came to elect a new commissioner in place of Tiberius, it prudently refrained from taking part in a scheme of which it disapproved. Accordingly it acquiesced in the appointment of the new Pontifex Maximus, P. Licinius Crassus Mucianus, the father-in-law of C. Gracchus. Thus the commission remained in the family. But its members were not without distractions. In 131 B.C. Crassus was consul, and his attention seems chiefly to have been occupied by the disturbances in Asia, where he died in the following year. Soon afterwards another place became vacant by the death of Appius Claudius Pulcher, and C. Gracchus had to look for two fresh colleagues, whom he found in M. Fulvius Flaccus and in a rising member of an hitherto undistinguished house—C. Papirius Carbo, a person of little principle but great oratorical power. Flaccus, probably the successor of Crassus, was an old supporter of the Gracchan cause, and Carbo, who took the place of Appius Claudius, had declared his faith as tribune in the consulship of Crassus Mucianus—131 B.C.

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[1] Val. Max. iv, 7, 1.

The year 131 B.C. had been one of some excitement. For the first time in history the censorship had been held by two plebeians together, and one of them—the famous Q. Metellus Macedonicus—contrived to make his tenure of the office memorable. Not only did he combine the most utilitarian view of the female sex with a policy of enforcing marriage for patriotic purposes—his speech 'de prole augenda' was once inflicted at length upon the Senate by the Emperor Augustus[1]—but by his attempt to remove from the Senate a tribune named C. Atinius Labeo Macerio he provoked one of the latest manifestations of the tribunician practice in its primitive form. Atinius, who may conceivably have given Plebiscitum Atinium its name, so far resented his removal from the Roll of the House as to waylay the censor and drag him by force towards the Tarpeian Rock. But happily before they reached the edge, Metellus was rescued by some rival tribunes, and it seems that a subsequent attempt to deprive him of his property by consecration met with no better success. The tribunate of Carbo, however, had revived a graver issue. His *lex tabellaria*, though a measure of prime importance, can scarcely have been controversial. The use of the ballot, introduced for elections in 139 B.C., had been extended two years later to voting on judicial issues (with the exception of cases of *perduellio*), and this extension had been supported by Scipio Aemilianus. Now the ballot was to be used in legislation, to the great advantage of the *plebs urbana*. Voters who, in whatever way, were dependent on the rich might hope for the future to exercise their rights without fear of victimization. But the most serious proposal made by Carbo was another—to declare legal the annual re-election of a tribune for a period limited only by the tribune's ability to retain the electorate's support. Not only was this an imprudent and unnecessary suggestion that law had been on the Senate's side in 133: it was also a barefaced attempt to force on the Senate one of the most objectionable principles in the programme of Tiberius Gracchus. His threat to establish a principate had been defeated; but now Carbo was proposing to smooth the way for some successor. To meet this menace, besides their own formidable influence, the oligarchs were able to count on the support of moderate opinion. The Scipionic circle was stirred: first Laelius raised his timid voice in opposition, and the measure was finally rejected when Scipio himself assailed it with all the power of his oratory and all the weight of his prestige. For the moment, the radical advance was stayed.

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[1] Suet. *Aug.* 89, 2.

CHAPTER II

GAIUS GRACCHUS

I. THE PROTEST OF THE ALLIES

THE agrarian commissioners now held the centre of the stage. Gaius Gracchus, Carbo and Fulvius Flaccus—a triumvirate which was in office continuously from 130 to 122—set to work with such energy that, before long, they had raised a problem greater than they knew. From the outset the *lex agraria* had threatened vested interests in public land, and the interested parties made their inevitable complaint. Those of them who were Roman *cives* had resisted the bill in 133; and, when it was passed, their opposition could fairly be said to have been overruled. Resentful they undoubtedly remained; but their case had been heard, and after its rejection they were without any legal ground for grievance. Now, however, the Latins and Italians took a hand, and with such effect that the work of the commission was soon in the gravest peril. The nature of their complaint is still to some extent obscure, but the evidence is enough to show the outline of their case. Much has been made of the fact that the territory of communities belonging to the Latin Name had sometimes been extended by block-grants of *ager publicus*, to be occupied corporately by the community concerned as tenant of the Roman People[1]: this, it is said, was the land whereto the Latins feared the application of the Lex Sempronia. But, as these blocks had been granted to the Latin cities for use at their own discretion, it is hard to believe that they were exposed to the provisions of the Gracchan law: it is not in this direction that the grounds for apprehension must be sought. On the other hand, when Italian communities became allies of Rome, they had generally surrendered part of their land to be made *ager publicus populi Romani* and had been allowed to retain the rest. Here at least there was room for doubt about the precise limits of the public land over which the triumviral jurisdiction ran, and disputes in such circumstances as to what was *ager publicus populi Romani* and what was not do something to explain the bad feeling which arose. Besides this, however, there was another source of trouble. Though the evidence is not explicit, it is scarcely possible to doubt that, when *ager publicus* of the poorer sort had been offered for occupation by squatters, advantage was taken of the opportunity by people who were not citizens of Rome. If on occasion more land was available than could be furnished with Roman *possessores*, it was clearly in the interests of the State, rather than allow part to remain unproductive, to seek tenants for it where tenants could be found. Latins, who of course enjoyed the *ius commercii* with Rome, and probably Italian allies too, were tolerated, if not welcomed, as settlers on the vacant land, and thus the Roman *ager publicus*, no longer a purely domestic concern, acquired an interest for other peoples in the peninsula and became, at least potentially, a matter of international importance.

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[1] Bruns, *Fontes*⁷, 11, l. 31.

There were thus two ways in which the operations of the commission might give trouble to the Latin and Italian allies. First, where land left in the ownership of an Italian community marched with *ager publicus populi Romani*, the local inhabitants might be called upon to produce evidence establishing their title to that which they claimed to be theirs: and, secondly, there were the Latins and Italians who had settled on land which admittedly belonged to Rome. So far as our evidence goes, it does not suggest that the commissioners proposed to treat Latin and Italian *possessores* less favourably than *possessores* who were Roman citizens; but, if all alike were to suffer no more than a reduction of their holdings to the maximum allowed by the Lex Sempronia, it by no means followed that the resentment of the non-Roman section would be removed by the reflection that they were in no worse plight than their Roman neighbours. It is true that the hardships brought upon the allies by the agrarian legislation were not by themselves enough to provoke any dangerous degree of discontent: the trouble was that they came at a time when the allies were already for other reasons in a sullen and suspicious frame of mind. For something like a hundred years their treatment at the hands of Rome had slowly grown more scurvy: their services had been drawn on ever more freely to fight the wars which won Rome her empire beyond the frontiers of Italy, but their reward, so far from being admission to some kind of partnership with the imperial power, had been nothing more than a series of exasperating pin-pricks which served to emphasize the inferiority of their position (see further below, pp. 46 *sqq.*). The undeniable lack of gratitude on the part of Rome, and her cynical determination to exploit the allies for her own purposes, had their inevitable result. There was resentment which only needed an opportunity for expression, and this opportunity came with the activities of the agrarian commission. Latin and Italian squatters were to be told—or so at-least they feared—to give up part of the land on which they lived in order that it might be bestowed on members of the Roman proletariate—on people who were not even eligible for military service. Thus the agrarian programme touched off the inflammable material long present in the allied communities, and an active agitation began.

II. THE INTERVENTION OF SCIPIO AEMILIANUS

When the agitators arrived in Rome they found powerful influences on their side. For what it was worth, they could count with assurance on the support of the senatorial diehards—men who would lend their aid to any movement which promised to strike a blow at the detestable work of Tiberius Gracchus. But these senators were no true friends: they might help the Italians now, when it suited their own interests, but it was they who had caused and countenanced most of the abuses out of which Italian discontent had grown. There were more honest helpers than these. The foremost figure at Rome—Scipio Aemilianus—owed his prominence above all things to his achievements in war, and in the field he had learnt to appreciate the truth that without the help of the Italians the victories of Rome could never have been won. When it came to weighing the claims of the allies against those of the Roman unemployed, Scipio was not the man to be blinded by the glamour of the title 'civis Romanus'. In him the Italians had a friend whose friendship rested on a knowledge of their services to Rome, and to him they turned.

Early in the year 129 he took action. The intervention of Scipio was an event of the first importance, but unfortunately it is one on which the evidence is lamentably weak. Appian is our only authority, and his account is vague to a degree. It is usually said that, after enlarging on the unpopularity of the land-law among the allies and their distrust of the commissioners, he secured the passage of a measure whereby the commissioners were deprived of their judicial powers. These powers were then transferred to one of the consuls—C. Sempronius Tuditanus, who promptly went off to Illyricum and left the *tresviri* in a state of paralysis, from which they were only restored by the *lex agraria* of Gaius Gracchus in 123. The truth of this account, however, is by no means beyond dispute. It cannot be denied that, when powers of judicial decision had been given to the commissioners by a plebiscite, nothing less than another law would have sufficed to take these powers away: yet Appian is silent about an amending act being passed by an Assembly and seems to confine the whole incident to a scene in the Senate. Again, if authority to settle cases where the status of land was in dispute had simply been transferred to magistrates who were out of sympathy with the whole programme of agrarian reform, the operations of the commissioners must rapidly have been brought to a standstill: yet Dio[1] records that, after the death of Scipio, they were as active as ever. Finally there is the evidence of the census-lists. As they stand in the *Epitomes* of Livy, these give totals of 317,933 in 136/5, of 318,823 in 131/0, of 394,736 in 125/4 and of 394,336 in 115/4. Whatever the explanation of the similarity between the last two returns, there is no valid reason for denying that a large increase occurred after the census of 131/0; nor can there be much doubt that the cause is to be found in the work of the agrarian commission.

Precisely how this result was produced depends on the view which is taken of the lists whose totals are thus recorded. If, with Herzog, we believe that the numbers are those of Roman citizens qualified by property for military service—numbers, that is, which do not include those of the *proletarii*—the increase will be due to a mass of *proletarii* having acquired property enough in the course of the land-allotments to raise them into the ranks of *assidui* and so to make them eligible for reckoning in the census-lists. This, however, involves the assumption that plots of *ager publicus*, held apparently in mere *possessio*, were regarded as private property for the purpose of assessment. If, on the other hand, with Mommsen in his later phase, we believe that the numbers recorded are those of Roman citizens, whether *proletarii* or not, who by age could be reckoned as *iuniores*, or if with Beloch we hold that the whole body of adult male citizens is included, we must assume that poorer members of the population, about whose enrolment the censors had not troubled in the past, now began to insist on their registration, presumably because the *lex agraria*, by the grants which it promised to Roman citizens, had made effective citizenship a privilege on which those who were entitled to it found it worth while to insist. Now if the rise which occurs between the numbering of the people in 131/0 and that in 125/4 were due to transformation of *proletarii* into *assidui*, it would be difficult to believe that the work which this involved could have been carried out by the *tresviri* between the end of the census of 130 and the intervention of Scipio in 129. If, on the other hand, it was the attraction of possible allotments which induced poorer members of the population, hitherto unregistered, to enrol, their enrolment will only be intelligible if it happened at a time when allotments were still to be had; and their enrolment is to be placed, at earliest, in 125. In either case it seems that the census-lists confirm Dio in his assertion that Scipio did not bring the work of the commission to an end.

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[1] Frag. 84, 2.

There is much to be said for an alternative account[1]. Appian's narrative of the incident seems to make the Senate-House its scene: the trouble was provoked by the agitation of Latins and Italians: and the relations between Rome and these peoples were international affairs, which had long been claimed by the Senate as one of its own particular preserves. It is possible, therefore, that the Senate merely warned the Gracchan commissioners off public land occupied by non-Romans, alleging that this might raise international issues with which it was its own affair to deal, and nominated its own representative—Tuditanus—to take any action which might be necessary in connection with land of this particular kind. Tuditanus, of course, did nothing, and the Latin and Italian *possessores* were left undisturbed; but the Gracchan commissioners were free, as before, to continue their work on *ager publicus* where the tenants were Roman citizens. If so, their operations need not be cramped within a narrow period of years; they may have continued even after the census of 125/4; and thus it becomes possible to divine why Gaius Gracchus, when his turn came to take up the task of finding a livelihood for the unemployed, seems to have looked to Africa for his agrarian allotments and to have done no more in Italy itself than to design colonies on sites whose value was less agricultural than commercial. By 123 the available *ager publicus*, except that fraction which was occupied by Latins and Italians, may well have been treated by the commissioners with such thoroughness that room could no longer be found for more than a negligible number of new farmers.

Whatever the truth about Scipio's *coup* may be, it did not commend itself to the mob of Rome. Already in 131, when he opposed Carbo's measure to declare legal the re-election of tribunes, he had fallen foul of the Gracchan voters and there had been some undignified exchanges of repartee. Now the scenes broke out again: men so prominent as Fulvius Flaccus took a hand, and Scipio found himself held up to almost daily execration. After one of these wrangles in the Forum, Scipio returned home, escorted by a great following of his admirers, to prepare a reply for the morrow. Next morning he was found dead. The cause of the fatality will never be known. Foul play was freely suggested, and as time went on allegations were made against the widow, against all three members of the agrarian commission, and even against Cornelia, mother of the Gracchi. But the official view, which is to be found in the scanty remains of the *laudatio* pronounced by the faithful Laelius[1], held that death was due to natural causes. This account is undoubtedly supported by the failure of Scipio's friends—of whom there were many—to bring the charge of murder home to any individual; but, if it is true, it must be admitted that Nature rid the reformers of a powerful opponent by a peculiarly well-timed intervention[2].

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[1] For this suggestion see E. G. Hardy, *Six Roman Laws*, p. 39.

III. THE PRELUDE TO THE TRIBUNATES OF GAIUS GRACCHUS

With the death of Scipio the fog which enshrouds the history of the Gracchan age grows thicker, and all we can discern is a continued agitation in the Latin and Italian cities. Proposals to enfranchise the allies were heard; Latins and Italians thronged to Rome; and the curtain had risen on the drama which ended with the Social War. According to Appian's account[3], the Roman citizenship was offered as a mere bribe to secure allied acquiescence in the fullest application of the *lex agraria*; but such a version is certainly too narrow. The activities of the land commission were not the only grievance of the allies. They were merely the occasion on which long-standing discontent found audible expression, and it is for this reason that the agitation continued even after Scipio had relieved Italian anxieties on the matter of the land. The course of the negotiations, if negotiations there were, is wholly obscure. All we know is that, when the census of 125/4 was near at hand, such a mass of strangers had been attracted to Rome by the news that some relief of their burdens was in sight that recourse was had to a familiar means of preventing fraudulent enrolment of men who were not entitled to the Roman *civitas*. A tribune who probably held office for the year 126/5[4]—M. Junius Pennus—passed a law of great severity, forbidding aliens access to the city: it was a measure which deserved the censure passed on it by Lucilius[5]. A phrase from a speech delivered by Gaius Gracchus in opposition to Pennus[1] reveals that the measure was represented by its author as one designed to help the allied States. Certainly there had been several occasions in the recent past when these communities had complained that they were being depopulated by the flow of their citizens to Rome, where the *civitas* could be gained by simple misrepresentation to the censors (vol. VIII, p. 355). But, if consideration for the allies prompted this effort to conserve their strength, the goodwill of Pennus contrived at the same time to prejudice the prospects of the agitation in Rome: for, though the Italians had no votes at all and the Latins none that counted on any serious occasion, there can be no doubt that the presence of large numbers in the city, clamouring incessantly for satisfaction and redress, lent weight to the arguments of the orators who took up their cause. One such was M. Fulvius Flaccus, land-commissioner since 131 and consul in 125: another was Gaius Gracchus, lately back from his quaestorship in Sardinia. The consulship of Flaccus was made famous by a measure, premature indeed, but nevertheless one that showed some appreciation of the dangers with which Rome was faced. It was proposed, on terms which in detail still remain obscure, to enfranchise those of the allies who were willing to become citizens of Rome and to confer on those who preferred to remain outside the Roman State the right of appealing to the Populus against acts of tyranny by Roman magistrates.

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[1] Stangl, II, p. 118. See J. Carcopino, *Autour des Gracques*, pp. 114 *sqq.*

[2] See Carcopino, *op. cit.*, pp. 83 *sqq.*

[3] *Bell. Civ.* I, 21, 87.

[4] See Carcopino, *op. cit.*, pp. 194 *sqq.* Carcopino's connection of the Lex Junia Penni with the proposal for enfranchisement made by M. Fulvius Flaccus in 125 B.C. is plausible, though it is impossible to prove that the first was a direct reply to the second.

[5] See C. Cichorius, *Untersuchungen zu Lucilius*, pp. 212 *sq.*

The alternative deserves some notice. To say that what the Italians wanted was citizenship of Rome is untrue, if it implies that they wanted the Roman citizenship as an end in itself. They did not, and Flaccus recognized as much by offering the *ius provocationis* to those who were unwilling to accept the full *civitas*. They had, indeed, a strong claim to what Appian[2] would call a 'partnership in the hegemony' (κοινωνία τῆς ἡγεμονίας); for the hegemony which Rome showed every sign of keeping to herself was the hegemony of an empire which could not have been won without allied aid. But there was more at stake than a mere question of prestige. In general the allies needed relief from the exploitation to which they were being subjected by Rome: in particular they sought protection from the minor outrages of Roman magistrates—outrages which were not the less exasperating because they directly affected only a few individuals here and there. To accept the Roman franchise was a means by which the allies might attain both ends at once: but, though for several reasons the best, it was not the only way. Another was to cut the painter and set up a confederacy independent of Rome, as was actually done for a moment during the Social War (p. 185 *sq.*). Each method had its advantages, but the bill of Fulvius Flaccus is enough to show that the first did not find universal favour. The reason is simple. Rome had yet to teach the world one of her most precious lessons—that men could combine the citizenship of Rome with that of their native States, and yet not jeopardize the survival of the smaller groups. In the second century B.C., though in practice Rome was coming near the great discovery, the peoples of Italy in general had still to shake off the old idea that no man could be a citizen of two States at once. They believed, in fact, that, if the whole citizen body of Naples entered the *civitas* of Rome, Naples as a political unit would forthwith cease to be; and consequently local patriotism looked askance at the prospect of enrolment in the Roman body politic. For that reason Fulvius Flaccus offered an alternative.

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[1] Malcovati, *Orat. Rom. Frag.* II, p. 131.

[2] *Bell. Civ.* I, 34, 152.

But, in spite of all his statesmanship, the measure failed to pass. Though his election to the consulship by itself is enough to show that progressive elements were now powerful in Rome, and though Gaius Gracchus supported him with all the strength of his family prestige, Flaccus found the Roman voters singularly lacking in enthusiasm for a proposal which invited them to share their privileges with their neighbours. Such was the apathy of the masses, if not their open opposition, that the Senate took courage to intervene, though extensions of the franchise had long been recognized as business for the assemblies alone. After much persuasion, Flaccus was induced to enter the Curia, and there he found himself the object, not so much of reasonable advice, as of passionate appeals to desist. The result was surprising: for whatever reason, whether statesmanship counselled retreat or for some less worthy cause, the faithful henchman of the Gracchi threw in his hand and accepted a military command in Gaul. Thus, for the moment, reform was blocked.

But events moved fast, and the diehards were vouchsafed none but the most fleeting enjoyment of success. Before the year was out, not Rome alone but the whole of Italy was faced with a menace of intestine war graver than had been known for two hundred years. The broad and fertile valley of the Liris, the valley which formed one of the two main arteries of communication between Latium and Campania, was the centre of a group of Latin colonies, and of these colonies none was more famous than Fregellae. Fregellae was a large and prosperous town, with an unbroken record of fidelity to Rome: indeed, in the crisis of 209 B.C., Fregellae had been the leader of those colonies which remained loyal[1]. But now, when the failure of Flaccus became known, Fregellae rose in what was regarded as revolt, and the complacent opponents of generosity to the allies suddenly discovered that Rome's Italian hegemony was in danger of collapse.

The peril was plain. If one Latin city—and one of unrivalled loyalty—was impelled by its grievances to take up arms, there was every danger that the rest of the Latin Name would follow: and if the Latins rebelled, ingenuity would be taxed to find a reason why the Italians should refrain. Rome, in fact, was threatened with a Social War—and in 125 B.C. the threat was graver than it could be in 91. By her treatment of Fregellae Rome gained a respite of more than thirty years, and these years she used to advantage. In the Gracchan age it could not be claimed that Roman troops, man for man, were better than those of the allies: but the Marian reform in legionary recruitment, though it still left Rome without anything that can properly be called a standing army, did in fact give her legions composed of soldiers who were something like professionals. In the Social War, when finally it broke out, Rome could put troops in the field with a training probably higher than that still to be found among the bulk of the Italian levies, and this superior efficiency can scarcely have been without bearing in the issue. But when Fregellae threatened trouble, Rome's military position made it imperative to prevent the rot from spreading: and this was done. Fortune, indeed, was kind. If a large part of the Roman army had been entangled in a protracted siege, the opportunity might have been too tempting for other disaffected peoples to resist: indeed, there is just a hint that, even as things were, Asculum took up arms[2]. But timely treachery delivered Fregellae into the hands of Rome, and Rome stood free to face such others as might challenge her control. That by itself was a sobering fact: but, still further to discourage impetuous emulation, the results of failure were displayed. Taking its courage in both hands—for the effects of such a policy can hardly have been clear—the government imposed an ostentatious penalty. Though its inhabitants were spared, Fregellae was destroyed, and next year the colony of Fabrateria was founded to efface its memory and to take its place.

Severity had paid: no other allied city moved: and for the moment Rome could survey her confederacy intact. But the protest was not in vain; for the end of Fregellae marked the beginning of a new phase in Roman history. Hitherto the conservative aristocracy and the selfish rabble of the city might scoff at suggestions of a need for juster treatment of the allies: now their eyes were open, and, though anger might find vent in prosecutions against men alleged to have aided and abetted the rebels, none but the blind could fail to see that there was an urgent problem to be faced and one which brooked no trifling. Beyond all doubt the grievances of the allies had become the foremost question of the day. Such were the circumstances in which, towards the middle of 124, Gaius Gracchus was first elected tribune.

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[1] The doubts which have been cast on this incident (see B. Niese, *Grundriss etc.*^{5} p. 129, n. 2) are gratuitous.

[2] *de viris ill.* 65, 2.

IV. THE CHRONOLOGY OF THE LEGISLATION

Gaius entered office on 10 December 124, and forthwith there began two years of political activity which in significance for the future—as well as in the difficulty of the problems they present—are unique in the story of the Roman Republic. The difficulties are due, above all, to the lack of any first-class authority. Of those which have survived, Appian is perhaps the most valuable, though his account of Gaius Gracchus lacks the outstanding merits of his chapters on Tiberius. But, even so, Appian is a slender reed to lean on: the first book of the *Civil Wars* is, at most, the briefest sketch of the period with which it deals, designed to serve as an introduction to what follows, and nothing more. Velleius frankly makes no attempt at an ordered account of these two years. It is Plutarch who gives the fullest version, and on Plutarch it is often necessary to rely. Among his sources may be discerned one which Appian ignored, and this source is by no means of the best. A statement cannot, indeed, be rejected merely because it rests on the authority of Plutarch alone; but doubts about its value must exist, and the result is to make any reconstruction of the tribunates of Gaius largely hypothetical. Too often the basis must be an assumption that what Plutarch says is true. It remains to mention our most grievous loss, the loss of Livy's sixtieth book—of which nothing of value but the *Epitome* survives. The brief accounts of Appian, Velleius and the Epitomator naturally concentrate on the small achievements of these years: the full text of Livy would have revealed the greater aspirations. It is our inability, with any kind of confidence, to set the measures actually passed in the context of the whole programme of which they formed a part that too often makes the history of Gaius Gracchus a matter of mere speculation.

Any account of Gaius' tribunates must begin with some consideration of the order in which his measures were produced: for, in such a case as this, chronology gives some of the most useful clues to the nature of the programme as a whole. Here, unfortunately, the contemporary evidence of his speeches, fragments of which are freely preserved, fail to do more than reveal that several measures were proposed together: this much may be inferred from the existence of an oration 'de legibus promulgatis'. At the outset the general situation must be recalled. The events of the last twelve months, and above all the rebellion at Fregellae, had made the question of Rome's relations with her allies in Italy a matter of such burning urgency that beyond all dispute it was the paramount problem of the day. Even if the authorities were less lucid than they are, it would still be possible to say with some assurance that no statesman in office in 123 B.C. can have failed to make it, if not his only aim, at least one of the chief objects of his endeavour to satisfy the just claims of the Latins and Italians. And in the case of Gaius Gracchus this conjecture is confirmed. Plutarch, at least, is clear, not only that the culmination of his activity as tribune came in a struggle over a bill designed to meet the allied demands, but—what is more—that it was in the interests of this reform that Gaius risked, and lost, all his hard-won influence[1]. This was, of course, only one of many tasks to which he set his hand, but there is sufficient evidence to show that it was among the nearest to his heart. Though it would be an exaggeration to say that a solution of the Italian problem was an end to which all the other measures of Gaius Gracchus were, in one way or another, the means, there can be no doubt that his proposals about the allies were the dominating feature of his designs.

Such is the first consideration; and with these proposals, too, the second is concerned. Sometime in the winter of 123–2, soon after the beginning of Gaius' second year of office, the leadership of the opposition was assumed by another tribune, M. Livius Drusus. Drusus set himself to destroy the Gracchan majority in the Concilium Plebis, and to this end he countered several of the most serious proposals made by Gaius with others which were framed to appeal more strongly to the vulgar taste. Now, when Plutarch includes among these counter-measures one which secured to the Latins immunity from flogging even on active service, he gives an invaluable clue to the history of the Gracchan programme. Drusus was not unfolding any original policy of his own: he was merely hanging on the heels of his rival and trying to cap each move that Gaius made with another which, though tending in the same direction, might win a larger meed of popular support. Thus Plutarch is wholly plausible when he says that Gracchus had already broached the question of the Latins before Drusus produced his alternative plan for its solution.

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[1] *Gracchi*, 33.

But there is more than this. The literary evidence for the Italian policy of Gracchus falls naturally into two classes. On the one hand Velleius[1] is definite that he offered the citizenship to all Italians, and with this testimony goes a passage in Plutarch[2]. On the other hand Appian[3], possibly supported by Plutarch elsewhere[4], suggests a bill which affected the Latins alone, and it is this suggestion which the action of Livius Drusus confirms. There is no reason to deny that Italians and Latins had come to Rome in numbers to air their grievances; but they were not the people whose favour Drusus tried to win. The objects of his blandishment were the citizens of Rome, whose votes it was his business to detach from Gaius Gracchus; and it was for Roman citizens alone that Drusus' bait was laid. About the nature of the bait itself there is no dispute: it was his proposal to protect Latins from scourging by Roman officers. Nor need there be any less certainty about the form of its appeal. One of the features which appears most regularly in Roman history of the second century B.C. is the reluctance of Roman citizens to share their privileges with others: only two years before it had been seen in the consulship of Flaccus. If that be remembered, the reasoning of Drusus is clear. Beyond all doubt his contention was simply this—that his own proposal was enough to deal with the issue at stake, and that there was no need for the Roman voters to go to such lengths of distasteful generosity as those to which Gaius Gracchus was inviting them. Gracchus, as has been seen, had already adumbrated a change in the status of the Latins: apparently he had advocated their enfranchisement outright. Drusus replied that such a concession was uncalled for: the Latins would be satisfied with a final guarantee against corporal punishment.

So much is familiar; but the argument may be carried further[5]. The action of Drusus implies, indeed, that Gracchus had already raised the question of the Latins; but it implies with almost equal force that Gracchus had not yet raised the question of the Italians in general. As a counterblast to an offer of the Roman *civitas* to the

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[1] II, 6, 2.

[2] *Gracchi*, 26, 1.

[3] *Bell. Civ.* I, 23, 99.

[4] *Gracchi*, 29, 2. It is impossible to say whether Plutarch is here referring exclusively to the recruitment of the Gracchan colonists or not.

[5] On this see W. Warde Fowler in *Eng. Hist. Rev.* XX, 1905, p. 424.

Latin Name, the suggestion ascribed to Drusus is intelligible: but it would become meaningless, or nearly so, if Gracchus at this stage had formulated his plan for dealing with the Italians as well. To meet a scheme which included in its scope the whole non-Roman population of Italy, so far as it was free, with a paltry proposal which envisaged a concession to the Latins and did nothing for the Italians at all would have been absurd. Our evidence is admittedly inadequate; but, so far as it goes, it points straight to the conclusion that, when Drusus intervened, Gaius had still to reveal his intentions about the Italians at large. Thus confirmation is forthcoming for the suggestion of our authorities that in the history of Gaius' policy for dealing with the allies of Rome two phases are to be distinguished. In the first, which falls before the campaign of Drusus, his attention was confined to the Latins alone: in the second, which cannot be placed long before the elections in the summer of 122, his net was cast wider, to cover Latins and Italians alike.

The troubles of the allies are not the only subject on which the Gracchan policy shows a visible development: two distinct measures can be detected again in the evidence for his dealings with the *quaestio repetundarum*. According to the Epitomator of Livy, Gaius Gracchus intended to leave the juries as he found them: they were still to be composed of senators, and the only change he would have introduced was an increase in the numbers of the Senate from three hundred to nine, by the addition of six hundred recruits from the richest class outside the senatorial order. Plutarch's story is the same in all respects save one—that it reduces the new senators from six hundred to three. But against Plutarch and the Epitomator there stands a solid mass of evidence for the view that what Gaius did, so far from being merely to enlarge the Senate, was to deprive senators of their right to sit on juries altogether; and this view is confirmed by the contemporary testimony of the *repetundae* law still in part preserved. There can be no serious doubt that this was the final outcome of Gaius' attempt to improve the administration of criminal justice, but the significance of the variant account given by the Livian *Epitome* and Plutarch is less clear. One fact, however, is beyond dispute: the emphatic repetitions of the Epitomator make it plain that he was surprised at the statements of the text before him. Surprise provokes attention, and in such a case it is impossible to suppose that the abbreviator failed to understand his original. Thus, whether Livy be right or wrong, there is a strong presumption that his authority is behind this story of additions to the Senate, and it is also to be observed that Plutarch shows a version which in essentials is the same. Yet, even so, there remains the possibility that Livy was mistaken. A possibility it is; but Livy on the second century is not Livy on the fifth, and it is wholly improbable either that he himself confused Gaius Gracchus with the younger Livius Drusus or that he blindly followed a source which fell into so gross an error.

On its merits alone, the tale should be accepted, even though it may record no more than a tentative suggestion which Gaius threw out; but there are also other considerations on its side. When Appian asserts that it was the prevalence of corruption which turned the attention of Gaius to the *iudicia*, his assertion gains credence from the fact that bribery in court was a subject on which Gracchus passed a law. His proposals, in fact, were not aimed at party ends alone: the juries were not above reproach, and he tackled their constitution because they stood in need of serious reform. Now such an undertaking, of undoubted value and limited extent, belongs to a type with which Gaius seems to have opened his legislative career: its appropriate place is in 123 B.C. But 123 was a year during a large part of which, if Plutarch is to be believed[1], Gracchus showed himself so moderate that even the Senate did not openly oppose him: indeed we gather that the earliest sign of open hostility was seen in the advent of Livius Drusus. It cannot, however, be supposed that the comparatively good relations between Gracchus and the Senate survived a proposal to expel senators from the juries neck and crop; and consequently it may be inferred that, if, as is probable, some plan to improve the administration of justice was promulgated before Drusus arose, it must have been mild in character, like that which Livy and Plutarch record.

By itself, perhaps, such an argument in favour of an earlier scheme, which finally gave place to one of a more drastic kind, might justly be set aside as the merest speculation; but it finds powerful support from another direction. Among the measures of Gaius Gracchus whose existence allows no dispute was one which made the bribery of jurors a criminal offence, and this law, as Cicero explicitly records[2], was remarkable for a great peculiarity—that it did not apply to courts constituted under the famous Gracchan *lex iudiciaria*. The origin of this anomaly has been variously explained. Some have found it possible to believe that Gracchus was concerned for the rectitude of special courts which the Senate, with or without the concurrence of the People, might form from time to time, and that he purposely refrained from including the permanent *iudicium* for the trial of charges of extortion within the scope of his law. But that the jurors serving in what was now the most stable element in the whole administration of criminal justice should have been deliberately exempted from penalties for corruption is a supposition which only the strongest evidence would commend; and, when we recall that it was the corruption of this very court which is said to have moved Gracchus to action, it seems far more probable that the true explanation lies elsewhere. Until Gaius Gracchus decided to draw jurors from another source, jury-service in these cases had been confined to members of the Senate, and it is by far the most plausible assumption that he drafted a law against bribery in a form affecting none but senatorial jurors at a time when he had not yet envisaged the idea of recruiting juries from another source. The law against bribery and the proposal to augment the numbers of the Senate belong to one phase in his career, when he was still content with the existing constitution of juries: the final *lex iudiciaria* marks a later stage, when his tolerance of senators had passed.

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[1] *Gracchi*, 27, 1.

[2] *pro Cluentio*, 56, 154.

So much is enough to provide a chronological framework for the legislation of Gaius Gracchus. Two of the most serious problems which he essayed to solve were those of the relations between Rome and her allies and of the judicial system in one of its main departments, and in both connections his proposals are two. Each pair consists of one measure which is mild and of another more drastic, and in each case the more modest scheme comes first. In the light of these considerations it is easy to see that Gaius' tribunician career is itself to be divided into periods, in the first of which his attitude was far less radical than in the second. Where the division should be placed the evidence is too vague to show with any great precision; but in the surviving records it is the intervention of Livius Drusus which marks its coming, and this is probably to be put either at the very end of 123 or in the first weeks of 122 B.C. In a case where stricter accuracy is impossible, 123 may be regarded as the year of Gracchus' moderation and 122 as that of his more violent reforms. To 123 belong his schemes to enfranchise the Latins and to strengthen the juries by adding new members to the Senate, to 122 his more sweeping plan to deal with Latins and Italians together and his famous law which took the juries out of senatorial hands and gave them over to another order in the State.

To a proper understanding of Gaius Gracchus' tribunician career the main essential is an appreciation of the development which his outlook underwent after he had taken office. He began as a statesman, anxious to effect necessary reforms with the smallest amount of friction. For a time he succeeded: but at length his opponents declared open war through the mouth of Livius Drusus, and from that moment Gracchus was driven to the less pleasing methods of the party politician. Such is the tale in outline: the details must now be added.

V. THE INITIAL MEASURES: THE *LEX FRUMENTARIA*

The most urgent necessities of the moment found a response in the personal interests of Gaius Gracchus: the outstanding need was for a settlement of the Italian problem, and Gaius' sympathy with the allies was already so notorious in 124 that he was included among those who were haled before a court to answer the charge of aiding Fregellae in her revolt. But, though we may believe that from the start his supreme ambition was to remove the causes of that ill-will which was jeopardizing the relations of Rome with her confederacy, this was not the subject of his earliest bills. Such information on the order of events as has survived is unanimous in assigning to the first months of office a varied assortment of measures, intended perhaps in different degrees to prepare the way for greater undertakings to come. At the outset there are two proposals, marked off from the rest and connected with one another by their undoubted reference to single incidents in the recent past. In the agitating tribunate of Tiberius nothing had raised wider issues or more furious disputes than the deposition of Octavius by popular vote. The principle that the People might remove a tribune who thwarted the People's will was a principle by which Gaius, steeped like his brother in the political doctrines of Greece, seems to have set great store. Somehow, if the Gracchan ideal of the tribunate as the mouthpiece and executive of the People was to be attained, the principle must be set up: the question was—how? Boldly to proclaim it would be to invite the criticism that a new and alien element was being grafted on the Roman constitution: a better way was to assume its presence from the start—a pedantic assumption, it is true, though one for which plausible arguments could be produced. Accordingly, Gaius gave notice of a measure to debar from further office any magistrate or tribune of the *plebs* whom the People had deposed. Unquestionably it was inspired by the case of Octavius, but there is no reason to suppose that personal animosity was the motive. Gaius was aiming far higher than at any individual: he was threatening the oligarchs' ancient practice of using the tribunate to block reform. It was a bold gambit for a young man new to power, perhaps too bold. Cornelia disapproved, and the bill was withdrawn: but a proposal at once so subtle and so drastic served at least to show that an able man had arisen whose views of reform stretched far[1].

The second measure was less extreme and for that reason met a better fate. On occasions when the Senate had successfully overcome a movement of some danger to its own interests or to the safety of the State it had been in the habit of establishing a special court to try the alleged offenders. A magistrate was appointed to take charge of the proceedings; he chose his *consilium*; and thus was formed a tribunal which might pass, if not execute, any sentence known to the law. Such had been the body which wreaked almost indiscriminate vengeance on the supporters of Tiberius (see above, p. 36 *sq.*) and such was the body which dealt with the friends of Fregellae—among them, possibly, with Gaius Gracchus himself. In the last resort the action of courts like these derived its validity from the power of *coercitio* latent in the *imperium* of the presiding magistrate; and that power was one which, in its inappellable form, it was the express purpose of the *leges de provocatione* to confine to cases of less than capital degree. If a court established by the Senate denied the right of appeal from its judgments in cases even of the gravest kind, the claim could not be sustained: the limitations which beset a magistrate's *imperium* when he was acting on his own initiative remained in law unchanged when he acted at the Senate's instigation. That was the fact which Gracchus now proposed to set beyond dispute. The extent and details of his measure are obscure. That judicial bodies erected by the Senate were the main object of his concern, whether he also reasserted the right of *provocatio* in general terms or not, is suggested by the words of Cicero[2] and proved by the immediate sequel. Just as M. Octavius had been recognized as the target of the proposal to disqualify from further office those who had once been deposed, so now Popillius Laenas saw the first intended victim in himself. As consul in 132, Popillius had sat on the bench before which the associates of Tiberius Gracchus were arraigned, and now he was chosen as the scapegoat whose sacrifice was to atone for outrage done to the rights of Roman citizens. Gaius himself was foremost in the prosecution, and Popillius was driven into exile, accompanied, perhaps, though this is doubtful, by the worthy Rupilius whose misfortune it had been to find Popillius his colleague in the consulship. The reformers had scored a point, and Gracchus had established his contention that none but the People could alienate the People's right to the final word when the *caput* of a Roman citizen was at stake[1].

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[1] The authenticity of the quotations purporting to come from the letters of Cornelia is so dubious that the fragments cannot safely be used as evidence for such minor problems as they affect. A convenient bibliography of the subject is to be found in *Hermes* LVI, 1921, p. 273 n. (E. von Stern), to which should now be added H. Malcovati in *Athenaeum*, 1920, p. 92 and J. H. Thiel in *Mnem.* LVII, 1929, p. 347.

[2] *pro Rab. perd. reo*, 4, 12.

Such were the measures which political prudence demanded as a reply to the Senate's behaviour in the past. If one was withdrawn, the other was passed: and even the former had served a useful purpose by proclaiming the doctrine that a magistrate might be deposed—a doctrine which was not rejected, because no vote was taken on the bill. Next come the schemes which looked rather to the future—schemes for progress and reform, which are the true contribution of Gaius Gracchus to the history of Rome. Among the first of these we have the authority of Appian for placing the famous *lex frumentaria*—a law which, because it has usually been misunderstood, has done more damage to its author's reputation than all his other measures combined. He has been accused of bribing the voters, of corrupting the poor by the promise of partial maintenance at the public expense, and even of stultifying himself by spoiling the markets in which his smallholders would have to sell their corn and by offering with one hand new temptations to a life of idleness in the city while in the other he held out land-allotments and colonies to attract the unemployed to a life of industry elsewhere. But such charges are wide of the mark. Since the great famine which began in 329 B.C. the cities of the Hellenistic world had recognized more and more widely that it was the business of a government to see that the food-supply of the community was both adequate and cheap: indeed, some of the smaller states had gone so far as to make arrangements whereby the food of the poorer citizens, in one way or another, was supplied free[2]. To lengths so extreme as this Gaius Gracchus was not prepared to go; but the view that the feeding of the people is a matter for the State he adopted without reserve. And there was need. Except in the stress of the Second Punic War, Rome had not lately known a famine; but there is evidence enough to show that the volume of supply had fluctuated so violently as to involve seasonal variations in price of serious dimensions: and at this time the situation was especially acute because Sicily was still suffering from the effects of the Servile War and the African harvest had been gravely damaged by an unprecedented swarm of locusts (see below, p. 73). Strictly contemporary evidence for these fluctuations is lacking, but there are illustrations of the uncertainty of the market in other periods which are not wholly irrelevant to the Gracchan age. Cicero, for instance, records that in Sicily the year 76 B.C. was one of low prices whereas in 75 prices were extremely high[1], and that in 74 wheat, which had been fetching the extraordinary figure of five *denarii* a *modius* before the harvest, became dirt-cheap as soon as the new crop was available[2]. Sudden variation of price was the source of the most serious trouble, and to ensure that throughout the year corn should be on the market in sufficient quantities and at a stable figure was the most laudable of aims. It was this that Gracchus set out to achieve. Though it is not expressly stated by our authorities, there cannot be the slightest doubt that the great granaries which he built beneath the Aventine were an essential part of the scheme. The corn itself might come in part from the provincial *decumae*, but the rest must be bought either under the provincial arrangements for *frumenti emptio* or in the open market; and it was clearly the function of these barns to store corn long enough to allow such purchases as were inevitable to be made when prices were at bottom or near it. The wasteful method of buying for immediate consumption without regard to the state of the market was at an end, and it remained to fix the charge at which the stuff should be sold to the consumer.

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[1] The procedure against Popillius also suggests that Gracchus carried the constitutional development a stage farther by entrusting the sanctions of this law to the Concilium Plebis instead of to the Comitia Centuriata. See A. H. J. Greenidge, *Legal Procedure of Cicero's Time*, pp. 324 *sqq*.

[2] The evidence for this may be found conveniently collected by W. W. Tarn in his *Hellenistic Civilisation*, ed. 2, p. 99, with notes.

The question of the charge is vital: on its relation to the economic cost of the corn thus put upon the market any true judgment of the scheme must depend. The price at which Gaius Gracchus offered his corn for sale was 6⅓ *asses* a *modius*, a figure which by itself is of interest because it is singularly unlike the round sum of a purely nominal charge. Unfortunately our evidence for the normal cost of corn in the Gracchan age is almost wholly to seek, but it is worth while to notice a relevant passage of Polybius[3]. When he passed through the valley of the Po, probably not more than fifteen years before the tribunates of Gaius Gracchus, Polybius was astounded at the fertility of the country, where a Sicilian *medimnus* of wheat could be bought for four obols, or a

[1] II *in Verr.* III, 93, 216.
[2] *Ib.* 92, 214–5.
[3] II, 15, I.

Roman *modius* for 1⅓ *asses*: and barley fetched only half this price. Thus the charge on which Gracchus decided for the sale of wheat in Rome was between four and five times as high as its cost in the open markets of Cisalpine Gaul when Polybius was there. Though the soil of the Lombard Plain was exceptional and though Polybius admittedly saw it in a bumper year, the figures he gives may perhaps be taken to suggest that the Gracchan charge in Rome was not wholly ludicrous. Doubtless it was far below the prices which had generally prevailed when the market was uncontrolled, but it was perhaps not lower than the price at which, with the help of judicious buying on a large scale when grain was most freely to be had, the State might hope to sell without serious loss to itself. Such a suggestion is confirmed by Cicero's remark[1] that the speeches of Gracchus read like those of a champion of the Treasury, though it is to be observed that Gaius seems to have made some effort to raise new revenue by extending the system of *portoria*[2]; and even so the needs of the corn-supply were found to be a drain on the exchequer (see below, p. 95).

Whatever the relation in which this price may have stood to the prices prevailing before, the project was not one which can justly be called a dole. The work of Gaius was open to none of the damning criticisms which may be brought against the demagogic abuses grafted on to it, possibly by Saturninus (p. 165 *sq.* below) and certainly by Clodius (p. 524 below). Gracchus did not give away something for nothing, and it is plain that the penniless could no more pay 6⅓ *asses* for a *modius* of wheat than they could pay whatever wheat had cost in the days before control. The *lex frumentaria* did little, if anything, to keep in Rome those whom it was the object of other laws to settle in colonies or on the land. Nor did it affect the livelihood of the small-holders set up by his brother and himself. It has been seen already (p. 4) that it was not on such as these that the city of Rome depended for its food. Difficulties of transport by land compelled men scattered up and down the peninsula to sell in the nearest town so much of their crops as they did not need themselves. Generally the surplus could not be sent to Rome, and it is a gratuitous assumption that the road-building which Gracchus undertook[3] was meant to ease the carriage of corn from the country districts to Rome. There is no reason to suppose that this was more than one of many means to the temporary relief of unemployment, or to deny that its permanent value was to be found in the improvement of local communications rather than those of the rest of Italy with Rome[1].

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[1] *Tusc. Disp.* III, 20, 48.

[2] Vell. Pat. II, 6, 3; Gellius, *N.A.* XI, 10, 3.

[3] Plutarch, *Gracchi*, 27, 2; Appian, *Bell. Civ.* I, 23, 98.

About the arrangements in their details our evidence is almost wholly silent. We do not know what limit, if any, was set to the amount of corn which any individual might buy at the Gracchan price, nor is it certain that it was sold to any citizen who applied and not merely to the poor. The fact that the institution was not a dole makes it probable that all citizens were served alike, and the probability is strengthened by other considerations. If the privilege had been confined to a section of the people, it is unlikely that the machinery for drawing up the lists of authorized recipients would still have needed, eighty years later, the elementary attention which it received from Julius Caesar[2]. Again, if such had been the case, there would be little point in a tale which Cicero tells[3]: L. Piso—annalist, author of Lex Calpurnia repetundarum, consul in 133 B.C. and staunch opponent of Gaius Gracchus—attained some notoriety by presenting himself when corn was being sold and demanding his rightful share.

Livy and Appian, our only authorities for the order of the Gracchan laws, agree that the *lex frumentaria* belongs to the first year of office. All the rest are put into the second by Appian, and by Livy—with the exception of the colonial schemes—into the first. To reconcile these divergent views, though with evidence so scanty conjecture can be plausible at best, no attempt is more attractive than that which assumes that Appian has mistaken the election of Gracchus to a second tribunate for his entry on a second year of office: he has confused some month about July in 123 with the following December[4]. If that assumption be right, much at any rate of what Appian assigns to the second year belongs to the latter half of the first; and it has often been observed with justice that no time is more appropriate to the intensest political activity of Gaius Gracchus than the period immediately after his re-election, when his position was assured for eighteen months to come. Thus, though it would be rash to assert that none of the measures next to be discussed was passed before the tribunician elections of 123, since they can be treated best together, their most fitting place for notice is after the election itself.

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[1] For a suggestion that Tiberius Gracchus had laid the foundations of an Italian postal service see A. M. Ramsay, in *J.R.S.* x, 1920, p. 84 *sq.*

[2] See Bruns, *Fontes*⁷, 18, ll. 1 *sqq.*

[3] *Tusc. Disp.* III, 20, 48.

[4] See Ed. Meyer, *Kleine Schriften*, I², p. 394, n. 3.

VI. THE RE-ELECTION OF GAIUS GRACCHUS

The circumstances in which Gracchus became tribune for a second time are something of a puzzle. It was in seeking to secure a second term that Tiberius, ten years before, had provoked the final crisis in his career: he had been lynched in making an attempt which his brother Gaius now repeated with safety and success. In 131 B.C. Carbo had essayed to declare legal the continued tenure of the tribunate; but the influence of Scipio Aemilianus had been lent to his more extreme opponents and Carbo had failed[1]. Then, in 123, Gaius Gracchus was made tribune for the following year, and nothing is heard of resistance or complaint. It is natural to assume that since 131, though his fame has perished from the records, some more fortunate successor had carried the project of Carbo into law; and this, indeed, is what Appian would have us understand. But that his story is more than mere assumption it is difficult to say. He purports to give some details of the measures whereby re-election was authorized, but, as they stand, his words are almost meaningless. They allege that by this supposed enactment the People might choose one of the existing board to hold office again in the following year if at the elections there were fewer candidates than places to be filled—a story which is most unsatisfactory. However suave his manner may have been, there must have been some people in Rome prepared to take the simple steps required to have done with Gracchus; and if this version were correct, to end his tribunician career forthwith it would have been enough for them to see that ten plebeians, it mattered not who, stood for the tribunates of 122. With the various proposals that have been made to emend the words of Appian this is no place to deal; for there is some reason to believe that no such law was passed. Sallust, in a passage which bears closely on the present issue, records that in 110 public business in Rome suffered long and serious delays from the wranglings which were started when two of the tribunes, P. Lucullus and L. Annius, tried to secure office for a second year[2]. It is not easy to believe that disputes so protracted as these could have occurred if the subject was one on which legislation had been passed less than twenty years before. Appian may be obscure; but the law itself, had it existed, must have been capable of interpretation in less than the months that were spent in argument. Though confidence on such a point is impossible, it is by no means unlikely that no measure on this subject had been passed so recently as the Gracchan age.

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[1] See above, p. 38 *sq*.

[2] *Bell. Jug.* 37, 2.

It was custom, not law, which stood in the way of a tribune seeking to remain in office (see above, p. 33 *sq.*); and when convention is the obstacle prestige is the strength of an attack. Gaius Gracchus, a man whose personal influence was far greater than his brother's, may well have succeeded where his brother failed; and it is possible, though by no means certain, that Appian's story of a law which authorized this re-election is a mere inference made by some historian who failed to understand that custom was the barrier and that Gaius had authority enough to break it down. Whatever the truth may be, the renewal was secured, and when the elections were over Gracchus could count on something like eighteen months of office in which to carry the more serious of his reforms. Circumstances now seemed favourable. Fulvius Flaccus was on the new board of tribunes, and even in the consulship there was an ally. Of the consuls of 123 one at least, Q. Metellus Balearicus, son of the censor of 131, was no friend of progress, nor is it known that his colleague, T. Flamininus, did anything to help the Gracchan cause. But at the elections for 122, when some suggested that Gaius had ideas of the consulship for himself, he suddenly began to canvass for Gaius Fannius, a Whig of the Scipionic type; and Fannius was duly elected. In the end he proved a broken reed; but at the start he doubtless seemed a staff to lean on.

VII. THE MINOR REFORMS

The measures which compose the main body of the Gracchan programme fall naturally into three rough groups. There are those which continued the work of Tiberius in providing for the surplus population, those which dealt with the administration of justice, and finally the proposals made to solve the central problem of the day—the problem of Rome's relations to the rest of Italy. But, besides these, there are a few enactments which stand in isolation: though they lack neither interest nor value, they show no obvious connection with one another or with the rest, and they may conveniently be dismissed at once. One was an army-law, which forbade the enlistment of youths below a certain age[1] and laid upon the State the burden of supplying the clothing of the troops.

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[1] The age seems to have been seventeen (Plutarch, *Gracchi*, 26, 1). The statement of Diodorus (xxxiv–v, 25, 1) that Gaius Gracchus relaxed the discipline of the army is too vague by itself to be of value, and certainly it does not authorize the conclusion that the *lex militaris* gave citizens on active service the right of *provocatio* against capital sentences passed by their commanders. This protection had been granted already, probably by one

However desirable, the reform by itself was small; but it deserves notice as the herald of a more drastic change to come. By the centuriate system legionary service was normally confined to citizens of substance, able to equip themselves when they were called to arms, and no use was made of the humblest class which could best be spared from civil life. Nevertheless, in course of time the minimum assessment required to make men eligible for the army had gradually been lowered until now there were legionaries so poor that they could neither find their own equipment nor afford the stoppage from their meagre pay made when it was provided by the State. The day was at hand when Marius would enrol the *proletarii* without disguise.

Next may come a pair of bills concerned with provincial administration. By a long-standing custom, after consuls had been elected by the People, the Senate chose provinces which they should govern when the time came for them to take command abroad. This practice was one which accorded ill with the doctrines of democracy. That the Senate had regularly abused its power of patronage cannot be alleged: the empire itself was sufficient refutation of such a charge. But the privilege was still objectionable, especially in times when party-feeling ran high; for by this arrangement the Senate was enabled to adjust a consul's rewards to his service towards itself. Loyal oligarchs received the plums of empire, whereas a radical might find himself condemned to a thankless term of exile in Sardinia or the like. But, though temptation was there, we cannot point to a specific case in which the Senate's action was such as to call for immediate reform: more probably it was because he regarded the prevailing custom as 'pessimi exempli nec sui saeculi' that Gracchus intervened. By the Lex Sempronia de provinciis consularibus, while the Senate was left with its right to assign the provinces—a provision quite in harmony with the moderate tone which Gracchus adopted at this stage of his career, it was ordained that the Senate should come to its decision before the consuls were elected, and not after. The change involved was great. Hitherto the Senate had assigned provinces to consuls already elected: now the People were to elect consuls to provinces already assigned. Yet, however necessary it may have been to satisfy the purism of the democratic doctrinaires, the change was

of the Leges Porciae. In any case the proposal of Livius Drusus, if it extended *provocatio* to Latins even when serving, as Plutarch asserts, implies that Roman citizens had the same privilege, and this is also to be deduced from Bruns, *Fontes*⁷, 10, l. 78. It is inconceivable that Latins should have been put in a better position than *cives*.

not one to move the applause which belongs to true reform. The incompetence and venality of the many were preferred to the possible dishonesty of the few: in the light of events during the next eighty years it is difficult to say which was the graver peril. One fact alone need be added. There is a passage of Cicero[1] which seems to show that a clause was included in this law to render the Senate's allocations immune from tribunician veto—a notable recognition by the most famous tribune in Roman history of the misuse to which his office might be put. The misuse itself is familiar enough: but here it is revealed that Gaius did not trust the threat of legal deposition to keep tribunes faithful to the cause they were conceived to represent[2].

The second enactment on imperial administration concerned the affairs of a specific region—the troublesome province of Asia. In spite of the Lex Aquilia (see below, p. 106), the bequest of Attalus III still supplied enough to occupy the attentions of Roman statesmen in such time as they could spare from the calls of domestic legislation. The fate of those outlying districts which were not worth the trouble of annexation was still a subject of almost continual intrigue; but even the province itself had yet to be reorganized as a unity for the purpose of taxation. The significance of the arrangements made by the Lex Sempronia de provincia Asia, so far as it deserves a place in the history of provincial government, will be discussed elsewhere (see below, pp. 467 *sqq.*); but this measure has so close a bearing on the political position in Rome itself that it cannot be left unnoticed in the present place.

The system whereby the direct taxes were assessed as a fixed fraction of the annual produce was one well suited to the economy of the ancient world: when the main source of revenue was the soil, nothing could be more equitable than that the State should share with the tax-payer in the ups-and-downs of seasonal vicissitudes. But the system had its defects, of which the most serious was its complication. The labour involved in settling the amount due from individual land-owners called for a staff of some dimensions, and such a staff it was beyond the power of the government to provide. The Romans were still amateurs in empire: the days of bureaucracy were still remote, and such a civil service as they could boast was as yet the merest embryo. When Gaius Gracchus decided that Asia should pay Rome an annual tithe, he solved the problem of collection by a device which had long been familiar: the State was to shuffle off its duties on to other shoulders, and private contractors were to be invoked to supply the necessary labour. Contractors had been freely employed in the past. It was they who worked the mines and other such productive properties of the State; it was they who collected the customs-dues and so made good the lack of a public customs-service; and it was they who undertook both the building and the maintenance of what we should call public works. Even in the tax-collection in Sicily they had a part to play; but the smallness of the tax-areas into which Sicily was split meant that there the local financiers could compete with any rivals from Rome. Now, however, the direct taxes of Asia as a whole were to be put up for auction at Rome: the State would take the highest bid in lieu of the revenue and the bidder would then be authorized to recoup himself by collecting the taxes throughout the province. These contractors might at least be expected to employ an adequate staff: efficiency thereby would be increased: and the State might hope to benefit by an augmentation of the revenue which appears to have been one of the aims which Gracchus had in mind.

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[1] *de prov. cons.* 7, 17; cf. Bruns, *Fontes*^{7}, 10, l. 70 *sq.*

[2] The tale, preserved in the second of the two *Suasoriae* ascribed to Sallust (*ad Caes.* II, 8, 1–2), that Gaius attempted some reform in the Comitia Centuriata may be ignored. The author, a rhetorician probably of the second century A.D. (see *C.Q.* XVII, 1923, pp. 94 *sqq.*), has no clear idea of what he is trying to describe (*ib.* p. 98), and even he does not assert that this proposal ever became law.

But such operations required capital: they could only be undertaken by companies of wealthy men: and these men, though generally not members of the Senate, were people in ability and education scarcely inferior to the senators themselves. Already the influence of these financiers had been felt in the political world: new provinces meant new opportunities for the investment of their capital, and the policy of the Senate in the East, and particularly in Macedonia, had not been all that they desired. But, though their need for fresh regions to exploit had conflicted with the Senate's dislike of fresh provinces to govern, there is no evidence to show that senators and financiers were open enemies in 123 B.C. So far as can be seen, it was the Gracchan *lex iudiciaria* which first set the orders in bitter opposition, and until that measure was mooted, if not passed, they were divided perhaps on questions of imperial policy but by no means the deadly foes which, in spite of Cicero's endeavours, they remained thereafter till the fall of the Republic. Unfortunately we are in the dark about the precise date at which the Asiatic system was set up. It may have belonged to the second period of Gracchus' career, when he was reckless of offence to the Senate and anxious to strengthen the ties which bound him to his latest friends. But if, as is equally possible, it was passed in 123, it need not have been a blow in the Senate's face. Admittedly their rights in Asia soon became the most profitable privilege of the monied men in Rome, but it was a privilege which, before the judiciary reform drove a wedge between the orders, the Senate need not necessarily have grudged. It had no great quarrel with the financiers; they were useful servants of the Senate; and it is hard to see any possible arrangement which would have diverted the pickings from the Asiatic tithe into senatorial pockets. Moreover, neither the Senate nor Gracchus himself had any evidence to show the extent of the abuses to which the system would give rise. The method of assessment was, in theory, fair: the mode of collection was indicated by existing practice, and no obvious alternative was available. And so it remains possible that in the *lex de provincia Asia* is to be seen a well-intentioned effort to set up a fiscal machine which would ensure to Rome her due without involving the formation of a provincial civil service. Undoubtedly the best agents of the government would have been a force of officials paid and controlled by the State: but for this the time was not ripe, and it is idle to blame Gracchus for failing to anticipate the bureaucracy of the Principate.

VIII. LAND ALLOTMENTS AND COLONIES

Next come the measures devised to deal with the central subjects of the programme, and of these we may begin with the pair which have their origin in the work of Tiberius. The *lex frumentaria*, which bulks large in the social legislation of Gaius, has been discussed already, but this legislation included at least two other bills—both of them devised, in the spirit of 133 B.C., to find work for the workless. One was a *lex agraria*, of which our knowledge is lamentably vague. From the extant law of 111 B.C., where it is mentioned as the complete expression of the Gracchan policy, we may infer that, far from merely adding supplementary provisions to the Lex Sempronia of Tiberius, it covered the whole subject and superseded the earlier enactment. But the need for this new proposal is not easy to divine. It is impossible to accept the view that a continuation of the land allotments was the main aim of Gaius Gracchus and that his proposals for the enfranchisement of the allies were no more than a means of reconciling the Italians to the resumption of land now in their occupation. After the revolt of Fregellae no sane statesman could fail to see that the

Italian problem was a pressing issue in its own right, which could not be treated as subordinate to the economic difficulties of Rome. Nevertheless, if the allied communities accepted the Roman *civitas*, they would fall under Roman law, and all the *ager publicus* they held would be exposed to the effects of the agrarian legislation. Against this contingency the preservation of the commissioners' powers was doubtless to be desired; but the contingency was somewhat remote, and there were perhaps other more immediate reasons for action. Conjecture must depend to some extent on our view of what happened in 129 B.C. (see pp. 42 *sqq.*). If Scipio had induced the People to deprive the *tresviri* of their judicial powers and had thereby brought their operations to a standstill, it would be tempting to believe that Gaius merely carried again his brother's measure in its original form. If, on the other hand, Scipio had only prevailed on the Senate to warn the commissioners off such *ager publicus* as was in allied possession, Gaius may have re-enacted the law in a form which made it clear that no public land was exempt from the authority of the duly appointed agents of the People: and this may well be the truth[1]. It is clear, however, that the *lex agraria* was not the measure on which Gaius Gracchus chiefly relied to carry on his brother's fight against unemployment: indeed we may well believe that in 123 B.C. he found that the original scheme had been brought so near to completion that, of such land as it had set free after the limitations of 129 B.C., none but a trifling amount still remained for distribution. But, if the expedient of land allotment to individuals was exhausted, Gaius had an alternative device; and there is a possibility that this device was recognized in the *lex agraria* itself. Cicero[2] records that under a Gracchan law some *tresviri*, whether the land-commissioners or others, received power to found colonies—a grant which naturally connects itself with the succeeding bill.

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[1] The statement of Siculus Flaccus (*Corpus Agrimensorum*, ed. Thulin, I^1, p. 100) that Gaius Gracchus 'legem tulit ne quis in Italia amplius quam *ducenta* iugera possideret' might be thought to suggest that he tried to find more land for allotment by cutting down the normal maximum which *possessores* of long standing were allowed to retain from five hundred *iugera* to two. It would not be surprising if the first impulse of Gaius was to press his brother's principles still farther and squeeze even more acres for the poor out of the holdings which the rich had been allowed to keep. But, even if the words of Flaccus do not in fact refer rather to allotments made in the Gracchan colonies (cf. Bruns, *Fontes*^{7}, 11, l. 60), the silence of the other authorities makes it impossible to believe that the *lex agraria* of Gaius Gracchus, in its final form, contained any provision for a new reduction in the maximum amount of *ager publicus* which sitting *possessores* might retain.

[2] *de lege agr.* II, 12, 31. See J. Carcopino, *Autour des Gracques*, p. 254.

Whatever may have been the purpose of his *lex agraria*, it is plain that, in his attempt to carry on the work of Tiberius in providing for the unemployed, the means on which Gaius relied was the establishment of colonies. The foundation of colonies to relieve the pressure of surplus population was a practice sanctioned by custom as old as the fifth century, and, though military considerations had often been involved, the practice had never lost its economic purpose. Now it was to be revived, but with several innovations. Colonies in the past had been predominantly agrarian, founded in the richer corners of Italy where settlers could make a living from the land. With Gaius Gracchus colonies began to take a commercial tone, possibly in order to provide for a section of the unemployed which had so long been out of touch with farming as to be unsuitable for settlement in purely agricultural regions. Though some of the foundations attributed to him were certainly of the older kind, it is impossible to believe that the sites of others were not chosen with an eye to the opportunities they offered for trade. Neptunia, the only Italian colony which Gaius is recorded to have organized, and Scolacium, for which he may have been responsible as well, were both on that southern coast of the peninsula round which ran one of the great trade-routes. Here lay the way between eastern and western basins of the Mediterranean, and here were the sites of Greek cities whose decay was due more to political causes than to any change in the direction of commerce. Scolacium was under the toe of Italy at one of the many points which had been made attractive in earlier days by its convenience for a portage across to the Tyrrhenian Sea: Neptunia stood hard by the city of Tarentum itself, a city whose departed glory it was the mission of the settlers to revive.

In the selection of such sites there was something new, and there was novelty again in the choice of settlers. Undoubtedly the bulk of the recruits came from that pauperized section of the people whose betterment had been the object of the agrarian legislation: but, though many of the colonists must have been destined to work the land in the old familiar way, there seems also to have been some idea of mercantile development, and the hint to this effect which may be found in the choice of sites is confirmed by an unusual feature in the population. Even to dabble in commerce a community must have capital at its call, and it was perhaps to meet this need that Gracchus leavened his settlements with a sprinkling of substantial citizens—to such an extent, indeed, that

Plutarch[1] can allege the colonists as a whole to have been drawn from the most prosperous stratum of society. This is an exaggeration: but that there is some plausibility in the suggestion may perhaps be inferred from the fact that in his later colonial enterprise at Carthage Gracchus seems to have enlisted at least a certain number of recruits with money enough to finance holdings of two hundred *iugera*[2].

Thus in general the scheme was one devised to carry on the work which Tiberius had begun. Its object was still to settle the urban unemployed in places where they might earn their own living for the future, but it differed from the *lex agraria* in one respect. Whereas the recipients of land allotments were all intended to employ themselves in agricultural work, the colonists, at least to some extent, were to develop sites of commercial value. But, however promising the plan, its immediate results were small. Velleius asserts that the colonies at Scolacium and Tarentum were actually founded in 123, but the other sites at which the *Liber Coloniarum* places settlements of Gracchan origin find no mention in other records of Gaius' career. It is possible that they were colonized, under the Lex Sempronia indeed, but after its author's death or at the instigation of Livius Drusus. Junonia, the one remaining foundation in which we know that Gracchus was involved, comes later in the story and must be separately discussed.

IX. THE *QUAESTIO REPETUNDARUM* AND THE ALLIES: THE FIRST PHASE

With the *lex frumentaria* passed and the social programme launched by the promulgation of the *lex agraria* and the *lex de coloniis deducendis*, Gracchus turned his attention to the problems of judicial administration. The great experiment of the Lex Calpurnia, whereby a standing court had been established to try charges of extortion brought against Roman officials, suffered from at least one obvious defect: only senators could be arraigned, and it was senators who gave the verdict. This feature by itself was enough to bring the system under suspicion in the minds of other interested parties; but there were also some specific reasons for thinking that convictions were not so easy to obtain as strict justice would demand. According to Appian[3], Gaius Gracchus was able to throw at least three cases in the Senate's teeth: in one of them a man had been acquitted merely because the court resented the personal influence of the prosecutor, Scipio Aemilianus, and on another occasion—not more than two years before Gracchus became tribune—M'. Aquilius had managed to escape, to the general surprise and indignation (see below, p. 106). There is evidence enough to show that all was not well. The quality of juries was such that an improvement was easily within the compass of human ingenuity; and still easier to draft was a much-needed law to make judicial corruption a criminal offence. The former and more difficult of these problems Gracchus sought to solve by a proposal of much moderation: service on juries should still be confined to members of the Senate, but the Senate was to be enlarged by the addition of perhaps six hundred new members drawn from the wealthiest men in Rome. If anything was to be done at all, it is difficult to suggest a method less offensive to senatorial susceptibilities than this. At the same time a measure for the punishment of bribery was passed—a measure which could scarcely be opposed by any but an avowed upholder of corruption, and one whose main interest lies in an almost accidental feature: the only jurors for whose morals it was concerned were senators, presumably because no other jurors were known or contemplated (see above, p. 53 *sq.*). The *lex ne quis iudicio circumveniatur* was enacted forthwith, but the plan to enlarge the Senate remained a mere proposal: its final fate belongs to a later stage (see below, pp. 75 *sqq.*).

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[1] *Gracchi*, 30, 2. [2] Bruns, *Fontes*⁷, 11, l. 60. [3] *Bell. Civ.* 1, 22, 92.

In the programme of Gaius Gracchus during the first phase of his tribunician career there now remains nothing but the most important feature—the policy designed at least to make a start in dealing with the urgent problem of the allies. Its importance was due partly to the gravity of the situation and partly to the political advantage which his opponents were able to gain from Gracchus' difficulty in winning popular support for a measure which was bound to take the nature of a liberal concession by Rome. The grievances which it was his aim to remove were felt by the whole non-Roman population of Italy, and the chosen means for their removal was the admission of the allies to some or all of the privileges belonging to Roman citizens. But, warned by the misfortunes of Fulvius Flaccus in 125, Gaius was more prudent than suddenly to introduce so sweeping a proposal as one for the enfranchisement of all Italians alike: he approached the problem by stages, and his first step was to broach suggestions to meet the demands of a well-defined section of the aggrieved—the Latin Name. This is the point at which it is most reasonable to place the limited proposal affecting the Latins alone, the existence of which is alleged by Plutarch and confirmed both by the phraseology of Appian and by the counter-proposal of Livius Drusus (see above, pp. 50 *sqq.*). About its nature there is little doubt—the Latins were to receive the citizenship of Rome. Since Fulvius Flaccus was at Gaius' right hand, it is possible, indeed, that the grant depended on the consent of the recipients; but it is not to be imagined that a firm offer would find many to refuse.

X. THE INTERVENTION OF M. LIVIUS DRUSUS

The career of Gaius Gracchus now approached its crisis. Hitherto the oligarchs had been sullenly acquiescent: now they came out in open hostility. It can scarcely be supposed that their earlier passivity had proclaimed the sincerity of their admiration: the cause is rather to be found in the impossibility of any other attitude. By his social legislation, by the *lex militaris* and by the measure about *provocatio* Gracchus had undoubtedly won the support of the Concilium Plebis, nor was there anything in his work on the administration of the provinces and the courts which would damp the enthusiasm of the masses. But the demand for a concession to the Latins was another matter: it made a call on the generosity of the voters, and thereby it gave a handle to the opposition. By an appeal to their selfishness and jealousy the fickle friends of Gracchus might be seduced from their allegiance, and this was the alluring task which M. Livius Drusus, a tribune of the optimate persuasion, was commissioned to perform.

The family which, by a lucky adoption, was to achieve enduring fame through the famous consort of Augustus had risen to nobility since the end of the Second Punic War; but its rise, though late, was abundantly justified by the ability of its members. C. Drusus, who held a high place among the jurists of the second century, was brother of the tribune, and of the tribune himself not even the most fanatical admirer of the Gracchi could deny that he showed both skill and dignity in the execution of his somewhat shabby job. At first he seems to have met the outstanding features of the Gracchan programme with a simple veto—a veto which may well have given their quietus to the bills for the enlargement of the Senate and the enfranchisement of the Latin Name. But soon he had recourse to subtler ways. His aim was simple—to destroy the majority on which Gaius relied in the Concilium Plebis: his method was effective—to give Gaius the lead and trump his winners one by one. When Gracchus promulgated a proposal, Drusus retorted with a variant; and though he confined himself strictly to the subject which Gracchus had broached, his retort was nicely calculated in every case to make the stronger popular appeal. Under the Lex Sempronia de coloniis deducendis, however large the programme which the law envisaged, Gracchus had not started more than two foundations—and neither of them was recruited exclusively from the poorest class of all: Drusus, leaving nothing to chance, proposed twelve forthwith, possibly the full number of the original Gracchan scheme[1], and these each with three thousand settlers drawn wholly from the lowest of the low. Gracchus, following his brother's practice, had exacted a rent from the recipients of allotments under the *lex agraria*: Drusus announced that the land should be held rent-free. And finally, when Gracchus mooted the enfranchisement of the Latin Name, Drusus appealed to the basest instincts of the mob by a suggestion that so generous a concession might be evaded if the Latins were offered some guarantee against the tyranny of Roman magistrates, perhaps even in time of war. The credit for all this was given to the Senate, and it was all accompanied by a parade of rectitude typical of that moral snobbery which is among the least pleasing features in the characters of both Drusus and his son. Even if the legal prohibition was first enacted after the Gracchan age[2], Gaius seems to have fallen foul of the purists in constitutional practice by himself carrying out the provisions of his own laws: so it was not for nothing that, when commissioners were appointed to execute the terms of the Leges Liviae, it was found that Drusus himself was not among them.

The fate of Drusus' proposals is obscure. That commissions were nominated to carry them into effect is evidence to show that they were passed, and indeed there is a famous incident in the Jugurthine War which can scarcely be explained, if the vulgate text of Sallust be right[3], unless the Latins by then enjoyed the protection which Drusus had proposed[4]. If that be so, it is plausible to assume that the other measures were enacted too, so that from this time onwards the Gracchan allottees were relieved of the burden of rent. But, whatever may have befallen the proposal about colonies, it is as certain as anything in this period can be that the twelve colonies it authorized were never founded[5]. Nothing is heard of them again, and it was his failure, once the measure had served its immediate political purpose, to carry his colonial schemes to completion which was the strongest evidence in the case of those who regarded Drusus as a mere demagogue who did not scruple to bribe the masses to his side. But, though doubts exist about the reception of his measures in detail, their effect is plain. Thanks to the skill with which they had been framed and to the opportunity which Gracchus had given his opponents when he asked the People for a liberal policy towards the Latins, the foundation of Gracchus' position—his majority in the Concilium Plebis—was undermined. If his career was to escape an abrupt and premature end, the damage must be repaired forthwith, and repairs could only be made by the help of measures conceived in the spirit of Drusus himself. By the operations of his opponents Gracchus was driven to the methods which hitherto he had scorned. In the past he had been a reformer—he might even have been called a statesman—who made no appeal to the baser instincts of the mob: now he must stoop to use the weapons which the Senate had taken up, and he became a party politician.

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[1] See J. S. Reid in *J.R.S.* I, p. 83.

[2] See above p. 30 n. 1.

[3] Sallust, *Bell. Jug.* 69, 4: see below p. 124 n. 2.

[4] For another view, however, see J. S. Reid in *J.R.S.* I, pp. 77–83.

[5] An inscription of the third century A.D. (*C.I.L.* X, 1117), if it is correctly read, does indeed suggest that 'Livia' appeared in the title of Abellinum—one of the seven places said in the *Liber Coloniarum* to have been

XI. JUNONIA

Such were the circumstances in which Gracchus embarked on the second and less creditable phase of his career. When Livius Drusus, presumably after his election though possibly before his year of office had actually begun, unfolded his artful scheme, Gracchus showed undoubted wisdom in meeting the threat forthwith. He enlisted the aid of a colleague in the tribunate for 123/2[1] —a certain Rubrius—to propose a law which should show that, whatever criticisms Drusus might have made of the modest colonies at Scolacium and Tarentum, it was by no means true to say that they marked the beginning and the end of Gracchus' intentions. In 125 the province of Africa had been devastated by a plague of locusts, and this visitation had been followed by an outbreak of disease which is said to have carried off more than two hundred thousand of the inhabitants in the region round Utica and Carthage alone[2]. Thus one of the richest tracts in the Roman world was derelict, and under these circumstances it was intelligible that the Lex Rubria should authorize the foundation of a colony hard by the site of Carthage on the edge of the great

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colonized under a 'Lex Sempronia' or 'Gracchana': but it would be rash to claim this as evidence that the elder Livius Drusus was in any way responsible for its colonization. For Abellinum see *Lib. Col.* in *Gromatici veteres*, ed. Lachmann, 1, pp. 229, 16 *sqq.*

[1] See Note 1 on p. 891 *sq.*

[2] Orosius v, 11, 2 *sqq.*

plain which lies round the lowest reaches of the Medjerda (Bagradas). The number of settlers was fixed at something less than six thousand and the work of organization was entrusted to *tresviri*, whether these were a special board created by the law or merely the Gracchan commission now equipped with powers to undertake the planting of colonies (see above, p. 67 *sq.*).

Rubrius did not carry his proposal without serious opposition; for, though in this very year or the next Q. Metellus, consul in 123, was founding Palma and Pollentia in Majorca[1], the strongest exception was taken to the extension of Gracchus' colonial activities beyond the boundaries of Italy. People pointed to the warnings of the past and shook their heads over the lessons of *metropoleis* whose daughters had grown greater than themselves[2]. Massilia had outdone Phocaea, Syracuse Corinth, Cyzicus and Byzantium had both surpassed Miletus and, most ominous of all, Carthage had attained a power and prosperity which Tyre had never known. So much it was possible to say outright: appeals to the inevitable prejudice of the unemployed against emigration as a remedy for their troubles had to be made with more discretion. Nevertheless, the bill became law: indeed, among its provisions were some of such attractiveness that its rejection was unlikely when it was offered, not as an alternative, but as a supplement to the schemes of Drusus. Land in Africa was abundant, and some, though almost certainly not all, of the allotments were to be plots of two hundred *iugera*—an area which, though by no means without parallel in Roman history or even the largest known, was something very different from the miserable doles, less than one-sixth of the size now proposed, with which settlers in Italy under the agrarian law of Tiberius had been perforce content. Nor, perhaps, did the generosity of the scheme end here if, by an innovation which finally developed into the so-called *ius Italicum*, in spite of the fact that the land was in a province of the Roman People, it was removed from the legal category of *solum provinciale* and made capable of ownership *optimo iure Quiritium*[3]. The voters might, indeed, make the best of both worlds by accepting the baits of Gracchus and of Drusus alike: but what Gracchus had to offer them was something of value, and it is easy to understand how, in spite of the rising opposition, the bill of Rubrius became law.

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[1] Strabo III, 167.

[2] Vell. Pat. II, 14, 3.

[3] This is the view taken by Mommsen (*Ges. Schr.* I, p. 123): for a different interpretation of the evidence see A. A. F. Rudorff in *Zeitschr. für gesch. Rechtswissenschaft*, x, 1842, pp. 118 *sqq.*

XII. THE JUDICIARY LAW: THE SECOND PHASE

Whatever its value as a means to restore the failing fortunes of the Gracchan cause, the Lex Rubria did not stand alone as a political expedient. It was accompanied, or soon succeeded[1], by another proposal which undoubtedly belongs to the partisan period of Gracchus' career, even though it may not have purposely been designed to act as a political bribe. The final *lex iudiciaria*, judged by its effects on later history, is certainly the most important of the Gracchan laws, as it is also the most difficult to assign to its proper place in the chronological sequence of the legislation. Whether it was passed before or after the expedition which Gracchus undertook to found his colony at Carthage there is not enough evidence to show: all that can be said with confidence is that it falls in the period after Drusus had delivered his attack. Nor are the details of the measure any easier to ascertain[2]. Attention is due first of all to the nature of the court which it was intended to affect. The Lex Calpurnia of 149 B.C. had established a permanent procedure for dealing with charges of extortion brought against officials serving in the provinces, but there is no definite proof that this system had been extended to other offences by 122 B.C. Even if such proof were forthcoming, the peculiar position of the *quaestio repetundarum*—which was no mere domestic tribunal but an element in the administrative machinery of the Empire—would make the action of Gracchus intelligible if, as the present writer is inclined to think, his famous judiciary reform was concerned with this court alone. Such a limitation of his outlook will be the less surprising when it is remembered that the scandals quoted as the original cause of Gracchus' concern with the courts are all scandals connected with charges of misgovernment in the provinces. From this small but important corner of the judicial field Gracchus sought to eradicate the worst abuses by an enactment still in part preserved. The Lex Acilia de rebus repetundis[3], which took its name from one of his lieutenants though Gracchus himself was its real author, not only enlarged the juries but boldly changed their constitution by excluding members of the Senate and putting in their places men of substance drawn from the wealthiest class outside the governing oligarchy. Such was the gravest provision of what is perhaps the most famous feature in the legislative achievement of Gracchus.

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[1] See Plutarch, *Gracchi*, 33, 1.

[2] A summary of the reasons for the conclusions here adopted will be found in Note 2, on pp. 892 *sqq*.

[3] Bruns, *Fontes*⁷, 10.

If the theory here adopted be sound, an immediate answer can be given to one of the most controversial questions which have been debated since modern study of the Gracchi began—the question whether Gracchus changed the constitution of the civil courts, whether senators were debarred from service as the *unus iudex*, as *recuperatores*, *decemviri* and *centumviri*. Gracchus made no change in the recruitment of these bodies. It must, indeed, be admitted that, just as the civil law had influenced the criminal when the Lex Calpurnia was passed in 149 B.C., so the Gracchan innovations in the criminal *iudicium publicum* reacted to some extent on the civil tribunals. After 122 B.C. *indices* below senatorial rank are found, and it is probable that their choice was to some extent suggested by the prevailing arrangements on the criminal side: but there is nothing to show that senators were disqualified for service in civil suits, and it is most improbable that the civil courts were ever subjected to sweeping changes in recruitment such as those which befell the *iudicia publica*. The earlier proposal of Gaius Gracchus—the proposal for an enlargement of the Senate—would indeed have affected the judicial system on both sides: but the incidents said to have moved him to action in this matter were incidents in the *iudicium repetundarum*, and it was with this court alone that his final enactment—the Lex Acilia—was concerned.

Some estimate of this memorable law and its justification must now be attempted. As a contribution to the history of the Roman judicial system its first claim to notice lies in the debt which it incurred to Greece. Many of its minor provisions, and above all the large juries which it invoked[1], are Hellenic institutions unknown in the Rome of earlier days, and their adoption by Gaius Gracchus is one among the many signs by which his obligations to Hellas are revealed. More memorable still was the effect on the political life of Rome. The law stands out among the works of Gaius as one which shows utter disregard for the feelings of the Senate: in the manner of faction undisguised it removes a privilege from one section in the State and bestows it on another. Yet it is easy to do Gracchus an injustice. This feature of the measure was not his own ideal: at first he would have been content to prohibit bribery and to strengthen the Senate. It was a *pis aller*, accepted when Gracchus had been forced to adopt the methods of the party politician; and, though these methods cannot be held up to admiration, it must be remembered that it was the Senate and Livius Drusus who had imposed their use. When factious opposition was let loose, unless reform was to be finally abandoned, a measure must be drafted which, without being necessarily a political bribe, would attract sufficient doubtful votes to secure a passage through the Concilium Plebis. Such was the Lex Acilia. The Senate was implacably opposed to reform—indeed, by its behaviour in the recent past it had forfeited every claim to consideration—and Gracchus turned to the wealthy men of business who, by their own votes and those of their dependents, might well enable him to win the day. But to say so much as this is by no means to admit that Gracchus played ducks and drakes with the interests of the State for the mere gratification of getting his own way: these wealthy men to whom he looked were neither fools nor scoundrels, but Roman citizens who seem to have responded well to the call which Gracchus made. It may be admitted that the condemnation of P. Rutilius Rufus in 92 B.C. was a scandal (see below, p. 175 *sq.*), but it must be remembered that Cicero[1], speaking at a time when the juries were still composed of senators even if their monopoly was doomed, felt himself justified in boasting that in the period of almost half a century between the tribunates of Gaius Gracchus and the dictatorship of Sulla the *equester ordo* had filled the juries without the slightest suspicion of bribery—an enthusiastic testimonial, perhaps, but one which would have been absurdly maladroit if the equestrian régime had been a welter of corruption.

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[1] See H. F. Hitzig, *Die Herkunft des Schwurgerichts im römischen Strafprozess*, pp. 47 *sqq*.

There is no need to deny that the Lex Acilia had regrettable results; but these results were not due to any marked unsuitability for their task in the men to whom power was given. The evil effects flowed from another source, and one which it was easy to overlook. By changing the jurors in the *iudicium publicum* Gracchus made control of the criminal courts a prize of party politics—and it was a prize which grew the more valuable as the number of the courts increased. And not only so; as Pliny records[2], it was the rivalry thus started which fused the wealthy business men into a definite *ordo*, conscious of its individuality and regularly at loggerheads with the Senate. This was a disaster of the first magnitude: it meant the formation of parties of the most pernicious type. Parties in themselves are no necessary evil: if each stands for an ideal of government, no harm is done, however much their ideals may be opposed. But in the last century of the Republic Senate and *equites* had little use for ideals: they struggled not for principles so much as for the advancement of their own interests and the detriment of their rivals. There were honourable men, of course, who tried to raise politics to a higher plane: but the tragic failure of Cicero's dogged efforts to form a Concordia Ordinum is a measure of the depth to which public life could sink. And it was Gaius Gracchus who by his well-meant change in the recruitment of juries set men irrevocably on the downward path.

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[1] 1 *in Verr.* 13, 38.

[2] *N.H.* XXXIII, 34.

XIII. GRACCHUS AND THE ALLIES: THE SECOND PHASE

There remains one other measure in the final phase of Gracchus' career—his last attempt to solve the most urgent problem of the day. It has been said already (p. 51 *sq.* above) that in his attempts to meet the demands of the Roman allies Gracchus had produced no more than a proposal affecting the Latins alone when Livius Drusus delivered his fatal stroke. If that be so, the bill which extended his attentions to the Italians in general must belong to the second period of his activity, and this is a conclusion confirmed by independent evidence of two kinds. First, C. Fannius—the man whom Gracchus had supported for the consulship of 122 and who afterwards went over to the other side—left an oration 'de sociis *et* nomine Latino contra Gracchum[1]' which it is highly probable that he delivered during his year of office: thus it appears that the wider proposal was under consideration in 122. Secondly, Plutarch strongly suggests[2] that agitations in which the Italians were concerned, and which were therefore probably connected with a bill for the settlement of their grievances, were the main feature of Roman public life at a period just before the tribunician elections in the summer of 122; and to this suggestion may be added the numerous hints that, when Gaius finally lost the favour of the masses, a loss first indicated by his failure to secure election again as tribune for the year 121, the defection was due to the unpopularity of his liberal attitude to the allies. So far as it goes, the evidence points to a simple version. At the outset Gracchus had intended to approach his greatest task, the re-organization of the Italian confederacy, by stages; but his original intentions were changed perforce when, in taking the first step of all with a proposal for the enfranchisement of the Latin Name, he was tripped up by Livius Drusus. The immediate result was to make his whole position insecure. He could not count on an indefinite prolongation of his tribunates, and the prospect of office continued long enough to allow the passage of a gradual and protracted programme was remote: either the problem of the Italians must be dropped or everything must be staked on a single throw. In these circumstances Gracchus chose the bolder course and introduced a comprehensive bill, which on the strength of the words of Cicero quoted above is often called a 'lex de sociis et nomine Latino.'

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[1] Cicero, *Brutus*, 26, 99.

[2] *Gracchi*, 33.

The details of this measure are wrapped in obscurity, and many of them provide material for nothing but the most tentative conjecture. There can, indeed, be little doubt that, so far as the Latins were concerned, the project of the previous year was revived: the Roman *civitas* was to be offered to the whole Latin Name. But the most important clauses of this new bill were those in which it went beyond the earlier scheme, and it is with them that speculation begins. The words of Velleius[1] would suggest that Gracchus would have treated Latins and Italians alike—that he would have admitted the whole free non-Roman population of Italy to the citizenship of Rome, as Fulvius Flaccus had sought to do two years before: and Velleius may possibly be right. On the other hand, Appian[2] preserves a hint that the distinction between Latins and Italians was to be maintained: if the Latins were to become Roman citizens, the Italians, though their position was somehow to be improved, would still be denied the privilege of full enfranchisement. This version finds some support in a piece of evidence which deserves notice because it is contemporary: in a speech of which a few phrases are quoted by Julius Victor[3], Fannius, the renegade consul of 122, appeals to the selfishness of the voters by asking them what room will be left for them at games and festivals when they have given citizenship *to the Latins*. If this is the famous speech 'de sociis et nomine Latino', the mention of Latins as the sole candidates for admission to the Roman franchise carries the clear implication that the Italians were to be content with some smaller boon. Such are the considerations which influence those who believe that the idea of Gaius Gracchus was to move each section of the allies one step up on the political ladder: the Latins were to become Roman citizens and the Italians were in future to enjoy the *ius Latii*. Between these possibilities the evidence does not allow a decision, though the latter is perhaps slightly the more probable; nor would it be of much value to discover the details of a measure which was never passed, when its general intention is beyond dispute.

Whatever its terms may have been, the bill provoked an immediate crisis. Fannius, the one time friend, now became the open enemy of Gracchus, and to defeat the scheme he had recourse to methods of a kind to which Livius Drusus had never stooped. Not only did he seek the favour of the voters by unblushing attempts to work upon their greed and jealousy, but, when allies began to make for Rome in hopes of doing their humble best to bring home to the sovran People the gravity of the situation which Gracchus was trying to relieve, he lent himself to a repetition of the device whereby Fulvius Flaccus had been deprived of his most active helpers. The Latin vote was negligible, but Latins and Italians alike could do much to whip up Roman citizens and to impress on them the urgency of reform. So the consuls were instructed by the Senate to see that, when the bill came before the People, no alien without a vote in the Concilium Plebis should be allowed within five miles of Rome; and Fannius, despite threats and protests from the Gracchan side, carried out his instructions with gusto. The Senate had now dropped all pretence of indifference and was out for a decisive victory. It had the advantage of position, because it was Gracchus who was trying to commend a measure which, however necessary and inevitable, could never have aroused enthusiasm among the voters of Rome; and this advantage was increased by the actitivies of Fannius. The greatest of all the reforms to which Gracchus set his hand came, for the time being, to naught. Whether the bill was vetoed by Livius Drusus, whether it was actually rejected or even brought to the vote, we cannot say: but somehow it was scotched, and thereby Gracchus was condemned to failure in the supreme task of his legislative career.

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[1] II, 6, 2. [2] *Bell. Civ.* I, 23, 99.

[3] Malcovati, *Orat. Rom. Frag.* I, p. 247.

Vague as is our knowledge of everything that concerns the second phase of Gracchus' tribunician activities—the phase which produced the Lex Rubria, the Lex Acilia and the bill about the allies and the Latin Name—it is nowhere less adequate than in the matter of the order in which these measures were proposed. Nothing can be said with confidence except that during the spring of 122 Gracchus was away from Rome for seventy days on a visit to Africa, making preparations for the colony of Junonia; and even for this visit the limits of date are wide[1]. If it is true that

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[1] About the nature of the work performed by Gracchus during his visit to Africa no information is to be had from the surviving traces of centuriation: on this see Ch. Saumagne in *Bull. du Comité*, 1924, pp. 131 *sqq.* The lay-out of Junonia appears to have been based on the centuriation of the province as a whole, which had probably been marked out in the years immediately after 146 B.C.: see S. Gsell, *Histoire ancienne de l'Afrique du Nord*, VII, pp. 13 *sqq.* and, for another view, J. Carcopino in *Rev. hist.* 162, 1929, p. 92.

Rubrius was a tribune of 122, his *plebiscitum* cannot have been passed before the end of 123, and the consequent expedition of Gracchus cannot have begun before that date. Afterwards, we find Gracchus back in time for both tribunician and consular elections in the summer of 122. Thus his absence may be placed in the first six months of that year; but whether it came before or after the promulgation of the Lex Acilia and the bill concerning Rome's relations with her allies, it is impossible to say.

With the expedition to Africa, the curtain rose upon the final act. It may be surmised that, in pressing on with his colonial plan even at the cost of a most inconvenient absence from Rome, the policy of Gracchus was to rely for his political security on the prestige of a beneficent scheme successfully achieved. It was, therefore, one of the first objects of his opponents to see that Junonia ended in fiasco. Almost as soon as work on the site began, a stream of the most sinister reports burst upon the credulous ears of the Roman populace. Winds of supernatural force had torn a standard from its bearer's grasp and had blown victims from the altars to such a distance that they were found outside the *pomerium* of the city: wolves had torn up the boundary stones and carried them off like mutton-bones in their mouths. Clearly life in such surroundings would be hard, even if it were not obvious that these portents revealed the displeasure of the gods. But, idiotic as the stories were, it was idle for Gracchus and Fulvius to deny their truth or challenge their interpretation: sedulous repetition lent plausibility to tales however wild, until in the end the belief was widely spread that Junonia was an offence to heaven. Yet this was not the only line of attack. According to Appian[1], when Gracchus recruited six thousand settlers, he was charged with having set aside the Lex Rubria itself by exceeding the highest number it allowed. Nor was this his only slip: in the following words Appian records that these unhappy colonists were collected 'from all parts of Italy'—a phrase which strongly suggests that Gracchus had been trying to carry out a clandestine enfranchisement of his Italian friends on a small scale. Such were the means whereby his opponents contrived to neutralize whatever strength he gained from his honest efforts to make the colony of Junonia a success.

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[1] *Bell. Civ.* 1, 24, 104.

XIV. THE *S.C. DE RE PUBLICA DEFENDENDA* AND THE DEATH OF GAIUS GRACCHUS

Their efforts were not without reward. By the time of the tribunician elections in 122, the tide had definitely turned, and the fortunes of the Gracchan cause were on the ebb. When the day arrived to choose tribunes for the following year, Gracchus was again a candidate; but he was a runner greatly changed from the form of a year before. Then he could claim support from citizens of every class outside the incorrigible reactionaries: now his hopes rested almost wholly on the poorest of the poor. Doubtless he could count on the friendship of the rich families from whom his new *iudices* were drawn, but their votes and those of their retainers were too few to carry the day unless the urban proletariate could be mobilized as well. And this was difficult; for the promise of Junonia had done little to restore the enthusiasm which had been damped, if not destroyed, by the machinations of Livius Drusus. So, from the time of his return from Carthage, Gracchus set himself to cultivate afresh the fickle affections of the rabble. He moved house from the Palatine to one of the humbler quarters—apparently to the Velabrum or its neighbourhood—and, when the view of a gladiatorial show was threatened with some obstruction by a stand erected for those who could afford to pay, he first protested and finally had the edifice pulled down on the night before the performance began. But neither theatrical appeals nor reasoned argument could restore the loyalty of the mob. Whatever the circumstances—and our only authority suggests that the poll was not honestly declared—when the result was announced Gracchus was not among the tribunes of 122/1, and consequently on 10 December his tribunician career would at length be closed.

That the rejection of Gaius was in accord with the prevailing sentiment is shewn by the elections for the consulship of 121 B.C., when the chosen pair included a man of the most ominous repute. His colleague, indeed, Q. Fabius Maximus Allobrogicus, nephew of Scipio Aemilianus, had sown his wild oats early and was now in the course of an honourable public career: but L. Opimius, who was remembered long after the struggles of the Gracchan age had been forgotten by the celebrated vintage of 121 to which he gave his name, was an unscrupulous ruffian whose one claim to notice was the violence of his behaviour towards the rebels of Fregellae in 124 B.C. He became consul at a moment when the *lex de sociis et nomine Latino* had brought the problem of the Roman allies into the forefront of the political stage; and whether that measure had already been rejected or, as is more probable, had still to be submitted to the verdict of the vote, his election showed beyond all doubt that the old policy of niggardly exclusiveness was to be maintained.

The affairs with which Gracchus occupied himself in these final months of office, when his failure at the elections had proclaimed that the public confidence was withdrawn, are left to our imagination. There is little doubt that the question of the juries had been settled already by the Lex Acilia, though that measure had apparently been passed at a time so near the end of Gracchus' days of power that no opportunity was left to enact a consequential amendment of the law on judicial corruption (see above, p. 70): but it is not impossible that wranglings over the *lex de sociis et nomine Latino* still dragged on their weary course after the elections were over and that the scheme was not finally killed until after the fate of Gracchus himself had been sealed. On this period our authorities are dumb, and their silence is unbroken till the death of Gracchus is at hand. We are now in the year 121: Opimius is consul and Gracchus himself, no longer tribune, is a mere member of the agrarian commission. One of his successors in the tribunate, a certain Minucius Rufus, was engaged in an attempt to repeal the Lex Rubria[1], and while this undertaking was in train Gracchus foolishly yielded to his more reckless henchmen and formed a bodyguard of his most loyal supporters. There followed a fracas in which one of the consul's criers, a man named Antullius, was killed, and the corpse of this unhappy victim immediately became an article of propaganda. In the course of a skilful parade this object was carried past the door of the Senate House itself, where the practised Fathers duly responded to the sight with an outburst of fitting indignation. Though the deed had been done in a drunken brawl, it was greeted with all the sentiments which calculated violence evokes: the guilty hand was Gracchan, and that fact by itself was enough to make pointless any reference to the precedent of Scipio Nasica and his friends. But, in spite of their emotions, the horrified senators did not fail to turn the incident to the advantage of their party: indeed, they made it the occasion of a step which led to grave results and to a controversy which lasted almost as long as the Republic itself. Opimius was finally encouraged to take measures for the safety of the State, and thus for the first time in Roman history was passed the resolution commonly known as the *senatus consultum ultimum*[2].

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[1] *de viris ill.* 65, 5.

[2] The origin of this expression is Caesar, *B.C.* 1, 5, 3.

The difficulties to which this measure gave rise from the time of Gaius Gracchus down to the outbreak of the Civil War in 50 B.C. make discussion of its nature inevitable. The long-standing practice whereby in times of crisis a dictator had been appointed to act as a temporary autocrat found less and less favour with the Senate as the pretensions of that body increased, and at the end of the third century the dictatorship fell upon a period of disuse which was only ended when Sulla revived the office in a new and modified form. In the second century the Senate preferred to meet special dangers by giving special instruction to the ordinary magistrates, and this had several times been done: but the situation shortly before the death of Gaius Gracchus was in some ways peculiar, and its peculiarity led to a modification in the action of the Senate. There was now no individual or body of men actually in arms against society. It is true that Antullius had been killed, but this was no more than a case of murder; and, even by forming a bodyguard of his own, Gracchus himself had committed no illegality. Yet, though the threat was vague, there was undoubted danger of an explosion, and the Senate sought to meet the menace in advance by giving the consuls backing which would suffice for any possible contingency. So a decree was passed in which the magistrates were urged to 'defend the State and to see that it took no harm.' Such, at least in later days, was the injunction of the *s.c. de re publica defendenda*. Both in its matter and in its form this resolution deserves the closest notice. Defence of the public weal was no special or exceptional function for the magistrates to undertake: it was only the most important of their normal duties. Consequently, the substance of this decree was no more than an exhortation to the executive to attend to the business which it was appointed to perform. Moreover, in its wording the formula made no pretence of setting law aside, or even of encouraging the magistrates to disregard the legal limitations of their power: it was simply the expression of a hope to which any citizen might give vent at any time—of a hope that the magistrates would do their job. The nature of the occasion which prompted this public encouragement is obvious: it was not any special unfitness of the magistrates for the duties which their office imposed, but the special gravity of a crisis with which they seemed likely soon to be confronted. Such were the circumstances; and, when they are considered in conjunction with the decree itself, it becomes clear that the *ultimum consultum* of the Senate was in essence only an attempt to strengthen the resolution of the magistrates in face of a danger which might call for action of peculiar vigour and determination. It implied a promise of senatorial support; but neither in theory nor in fact did it add to the legal powers which they already held. It conferred on them no new authority nor did it even purport to remove any of the restrictions which were imposed by statute on the use of their *imperium*.

The effects of this encouragement on the willing Opimius were immediate. His first step was to make good the lack of an effective police force in the city by calling the senators and *equites* to arms, and in fairness to the other side it must be added that, according to Plutarch, the *equites* were asked each to provide a couple of armed slaves. In face of this formidable threat the counsels of the Gracchans were divided: Fulvius Flaccus was in favour of meeting force with force, but Gracchus himself seems at first to have inclined towards unresisting submission. It was not long, however, before circumstances forced a decision. When Opimius summoned both leaders to appear in the Senate House, the fatal consequences of compliance were so obvious that Gracchus gave way to the more spirited advice of his lieutenant. Flaccus and his supporters, with Gracchus diffidently following in their wake, seized the Aventine, and from that moment a violent settlement of the issue was inevitable. It is true that, even at the eleventh hour, some attempt at negotiation was made: but, in spite of a courageous offer by Gracchus himself, neither Flaccus nor the rank and file would agree that the leaders should put themselves in the power of the Senate, and the consul, on his side, resolutely refused to deal with any but the principals of the opposition. So the offers made through Flaccus' young son led to no result, and at length Opimius had the satisfaction of finding the stage prepared for his final triumph. Amid scenes not unworthy of a field of battle the stalwarts of the constitution stormed the stronghold of the Aventine. Its garrison was put to flight, and the leaders, soon run down, were killed, together with many of their supporters. Flaccus and his son were slaughtered by the enemy, and the enemy was responsible for the death of Gracchus too, whether the hand which took his life was hostile or that of a faithful slave ordered to save his master from the consequences of capture.

Such was the melancholy end of Gaius Gracchus, and such was the result of the Senate's anxiety for the public defence. If its justification is a matter of dispute, the grounds on which it must be upheld or attacked are plain. Though the expediency of the Senate's decree was questioned by Caesar in the trial of C. Rabirius (see below, p. 489 *sq.*), no one was ever found to deny that the Senate was entirely within its legal rights in formally recording its earnest hope that the magistrates would not fail to protect the commonwealth from a threatening danger. The vital question concerns the effect which this declaration had on the position of the magistrates concerned, and the answer may be brief. In law the effect was nil: the resolution did not even purport to alter or suspend the constitution. Even after its adoption by the Fathers, to put a citizen to death without trial and appeal to the People was as much an infringement of the *leges de provocatione* as before.

But in practice the effect was great. Rome, like every other State, claimed the right to preserve itself from destruction and, if necessary, to use all the means at its disposal to secure this end. When a situation has passed beyond control by the normal legal methods, it is essential, in order both to warn the law-breakers of what they must expect and to provide the champions of order with a reply to charges of illegality which may afterwards be brought, that some responsible person or body of persons should publicly declare that at any moment the necessity for non-legal measures may arise and that, when it does, these measures will forthwith be taken. In practice this was the effect of the 'last decree.' By exhorting the magistrates to make the safety of the State their supreme care the Senate implied its consciousness of a peculiar danger, and the consuls were urged at all costs to take adequate precautions to meet it, even if these precautions involved some infringement of the prevailing rules of law. Such was the encouragement which Cicero held out to holders of the *summum imperium* in his famous precept that, to them at least, the 'salus populi' should be the 'suprema lex[1].'

The value of the decree was to be found in the evidence it supplied that, in the considered opinion of the Senate, the State had been faced with a menace of the kind which might call for a temporary neglect of the procedure normally imposed by law. In any subsequent prosecution of the magistrates for illegal action their proper defence—that they acted in circumstances under which the overriding obligation to maintain the security of the State made it impossible to observe the formalities of arrest and trial—found the strongest support in the Senate's declaration that such circumstances were clearly to be foreseen. Thus to say that the behaviour of Opimius was contrary to the provisions of the law is irrelevant to the question of his justification. The only issues which could reasonably be raised were, first, whether the crisis was in fact of the gravity which the Senate feared and the consul claimed; secondly, if it was of such a nature, whether the consul used no more than the minimum degree of non-legal action required to bring the situation back under control by ordinary means; and, thirdly, whether the consul's action was, in fact, directed to preserve the safety of the State. If all these questions could be answered with an affirmative, no honest jury of loyal citizens could deny that his behaviour was justified, whatever laws he had for the time being ignored[1].

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[1] *de legibus*, III, 3, 8.

So much for the position of the executive: it may be well to add a word about the rights of the people whose behaviour had caused the commotion. On certain occasions in later Republican history the Senate, at the time of passing its 'ultimate decree,' put the identity of those from whom danger was foreseen beyond all doubt by declaring them individually *hostes*. This elaboration in the procedure deserves notice both because it calls attention to the attitude of the law towards such obstinate disturbers of the public peace and also because its effect has often been misunderstood. Every Roman *civis* was entitled, if suspected of crime, to be formally charged and duly tried in accordance with the prevailing rules for the administration of criminal justice, and one of these rules was that no capital sentence should be executed without the consent of the Roman People. A *hostis*, on the other hand, was an active enemy of the State who might be killed at sight by any citizen with complete impunity, so far at least as the law of Rome was concerned. Now the Senate, for all its pretensions, never made the monstrous claim that it could turn a *civis* into a *hostis*, that it could deprive a Roman citizen, merely because he was suspected of crime—however strong the suspicion, of the right to legal trial which was inherent in his citizenship. What the Senate could do was to point its finger at a man and observe that by his own behaviour he had made himself a *hostis*. A malefactor whose arrest the magistrates desired to effect, if he resisted apprehension by forming a bodyguard of such dimensions as to be in effect an army, was setting the State at defiance in precisely the same way as another State might do at a time of international crisis. Towards both the proper attitude was a declaration of war, but between the two cases there was one slight difference. Whereas Rome might declare war on another power in spite of all that power's efforts to prevent it, she could not declare war on a section of her own citizens until they had in fact, though not necessarily in word, declared war on her. Thus, when citizens were proclaimed *hostes*, the proclamation was purely declaratory: it merely recognized the effects of their own action. In fact, the only person who could turn a citizen into a *hostis* was that citizen himself. And so, when in later practice the Senate backed up its 'ultimate decree' by an announcement that certain persons were enemies, the one result of this addition was to enunciate an already existing fact in order to indicate more definitely where the magistrates should look for the danger against which the *s.c. de re publica defendenda* gave them special encouragement to provide.

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[1] A most lucid treatment of these and cognate questions is to be found in the *Report of the Committee appointed to inquire into the Circumstances connected with the Disturbances at Featherstone on the 7th of September 1893*, pp. 9 *sqq*. (C.—7234. Stationery Office; 1893). The chairman of the committee was Lord Bowen.

Though there is no evidence to show that on this occasion such a declaration was made, by seizing the Aventine in force and by openly flouting the orders of a consul the Gracchans had put themselves in a posture of hostility to the State. They had appealed to the judgment of force, and there can be no shadow of doubt that the government was justified in using force to secure the verdict for itself. So much can be said in favour of the court which in 120 acquitted Opimius of all criminality in the methods he had employed to suppress the incipient revolt on the Aventine (see below, p. 93). But the court went further than to approve the use of violent and non-legal methods to deal with an insurrection which could be controlled by no other means. Of the three thousand victims for whose death the operations of Opimius were responsible by no means all had been killed in the assault on the Aventine or in the subsequent pursuit. Some, at least, and according to Appian a very considerable number, had been arrested and put to death by the consul without any semblance of trial after the back of the revolt had been broken—at a time when a state of acute emergency could no longer be said to exist. The case of these unfortunates was wholly different from that of the men who had fallen in the heat of battle during the storming of the Gracchan position and its immediate sequel: they had been executed out of hand by the consul, in defiance of the law, at a time when there was no valid reason whatever for denying them the trial and the exercise of *provocatio* against a capital sentence to which every citizen was entitled. For such action Opimius might justly have been condemned: but in fact he was acquitted, and thereby the Senate gained a most valuable victory. In his *lex ne quis iniussu populi R. capite damnetur* Gaius Gracchus had deprived it of a powerful weapon by preventing the creation of special senatorial courts with inappellable jurisdiction to take vengeance on particular bodies of people who had incurred its displeasure. This disability the Senate now repaired by using the unsupported *imperium* of a consul to authorize executions of the kind which hitherto had only been carried out after sentence by one of those courts at which the law of Gracchus had been aimed. The device was indefensible. Once order had been restored, there was no justification whatever for execution in defiance of the laws on *provocatio*. But in spite of this, after a trial in which the arguments of the prosecution seem to have been developed with great elaboration, Opimius secured his acquittal, and thereby the Senate won a notable success. If the action of Opimius became a precedent, one of the most salutary of the Gracchan laws would have been circumvented, and for the senatorial courts which it had been designed to check would be substituted a still less desirable form of jurisdiction—the consular *imperium* freed from every limitation.

XV. THE ACHIEVEMENT OF THE GRACCHI

The significance of the Gracchi in Roman history has been described in the most divergent terms. Champions of Socialism in its extremest forms have found in them the heralds of doctrines which even now are thought advanced, and by others they have been dismissed as demagogues of the most commonplace type, not even distinguished from the rest of their kind by any serious contribution to the political ideas of the age in which they lived. Both estimates are wide of the mark. The Gracchi were children of their time, and it was with the special problems of Rome in the latter half of the second century B.C. that they were concerned. The business of Tiberius was to relieve the widespread unemployment of the urban population, and the plan he adopted to achieve this end was a scheme for the partial redistribution of the public land—a scheme so sane in its conception and so successful in its results that it is futile to charge its author either with reckless vote-catching or with the Utopian aspirations of unpractical ignorance. This work it was one of the tasks of Gaius to continue, though in his continuation a slight change of method appears. Probably because most of the scattered land, only suitable for distribution among individual settlers, had already been assigned, Gaius had recourse to the foundation of colonies, some at least of which were intended to provide opportunities for commercial employment. But the *lex agraria* of Tiberius Gracchus had provoked open expression of a grievance which for long had riddled the peoples of Italy with discontent: the time had come when a re-organization of the Roman confederacy could no longer with safety be delayed. This was the final goal towards which Gaius set his course, and on its attainment he staked not only his political future but his life. If he failed, his failure was inevitable: all the appeals and arguments of one young man could never break down the incorrigible selfishness of the Roman 'democracy,' from which nothing less than the menace of the Social War was enough to wring concessions.

For the rest, his achievements consist of minor changes in the administrative system; and they were changes which were salutary in themselves and free from the taint of political corruption. Even in the final phase of his career, when Gaius had undoubtedly ceased to respect the feelings of his oligarchical opponents, it is impossible to find a measure which can be said with assurance to have been framed as nothing but a bribe to some section of the people. It is not to be denied that by several of his proposals he must have gained friends for himself, as the author of any true reform is bound to do: but even the transference of the *quaestio repetundarum* to the wealthiest class outside the senatorial ring was an act which not only may well have seemed expedient at the time but also was by no means condemned by its effect. Of Gaius Gracchus it may be said that, however much some of his reforms may have served to strengthen his own position, he never helped himself by a measure which did not help the State as well. And the figures in Roman history to whom a higher tribute can honestly be paid are few indeed.

But the programmes of the Gracchi were of far less importance than the issues which they raised unwittingly. Tiberius had called attention to the problem of the unemployed: Gaius had put the gravity of the Italian question beyond dispute. But more serious even than these was the challenge which they flung down to the whole practice of the constitution and the prevailing domination of the Senate. That they were prepared to approach the Concilium Plebis with proposals for legislation which had not received senatorial approval was a trifling breach of custom, and not without parallel. If the Senate could not stop the promulgation of a bill, it had every reason to believe that a tribune would easily be found to use his veto against it. The first danger came with the deposition of Octavius. If tribunes distasteful to the People's passing mood were to be deprived of office, the way to demagogic control was barred by nothing but the Senate's claim to probouleutic powers —a claim which had no statutory sanction and which had been regularly flouted in the Gracchan age—and the flimsy obstacle of *obnuntiatio*. Barriers such as these were useless. If the right to unseat an obstructive tribune were admitted, the senatorial position was lost. Tiberius Gracchus, in his dealings with Octavius, took a long step towards constitutional revolution. Still more drastic was the doctrine—adumbrated by Tiberius and made effective by Gaius—that a tribune should be capable of immediate re-election, and for an indefinite number of years. The supremacy of the first citizen, unhampered by the veto, was to be limited by nothing but the endurance of popular support; and, as can be seen from Tiberius' handling of the Asiatic bequest, no branch of government was to be immune from direct interference by the People and their chosen leader.

Such were the gravest implications of these famous tribunates. It was not the professed objects of the Gracchan programmes which mattered most, nor was it the violence which marked their authors' ends. The true cause for justifiable alarm lay in the tendency towards democracy of the most reckless type. The insignificant and unworthy fraction of the Roman People which formed the Concilium Plebis on all but exceptional occasions was to be freed of every trammel in the exercise of its legislative powers. From day to day, as bills were introduced, nothing was to prevent the enactment of those proposals which appealed most strongly to the taste of the urban mob. That way disaster clearly lay. Not even the most zealous democrat could seriously maintain that the *plebs urbana* was well equipped for the task of governing an empire, nor was it probable that the proletariate of Rome would for ever refrain from a selfish use of its authority to the detriment of the interests of the Populus Romanus as a whole.

Yet it is easy to misjudge the Gracchi. The issue, raised most acutely by the problem of Appian's value as an authority for the career of the elder brother and associated in recent times particularly with the names of Schwartz[1] and von Pöhlmann[2], between those who would call them revolutionaries and those who regard them as mere reformers cannot be decided outright. A distinction must be drawn between the content of the programmes and the implications of the methods adopted to secure their passage into law. The legislative proposals contained nothing to which constitutional objection could be raised, and on this score their authors could claim to be reformers of the most legitimate type. But on the other hand it cannot be denied that some of the expedients employed in carrying the reforms could not be reconciled with the existing constitution. They implied the destruction of that equilibrium between the magistrates, the Senate and the People to which Polybius rightly ascribed much of Rome's past success, and the development in its place of an unfettered democracy wherein effective sovranty would lie with that section of the citizen body which chanced to live at Rome. But, though their behaviour reveals a familiarity with the practices of Greece which is intelligible in pupils of Blossius and Diophanes, there is no reason to believe that either of the brothers set out from the beginning to create a democracy of the Hellenic type. So far as can be seen, if no attempt, like that of M. Octavius, had been made to block the *lex agraria* by veto, Tiberius would have left the constitution unimpaired. He was honestly convinced of the value of his agrarian scheme; and, if so excellent a measure had been accepted without protest, the weapon of obstruction would have been left intact for use against less worthy proposals. But when resistance came, Tiberius, convinced of the justice of his cause and declining to see his programme burked, secured its passage by recourse to means which boded ill. The dormant sovranty of the People was stirred to a new and sinister activity. There was, indeed, no cause for alarm so long as the popular hero, whose plans it would be the business of the assembly to enact, was a man with the honesty and patriotism of a Gracchus. But the peril of a democracy swayed by its first citizen is the shortness of the step from Pericles to Cleophon; and the error of the Gracchi was their failure to reflect that not all tribunes could boast a rectitude and public spirit such as theirs. Undoubtedly the system which they adumbrated was one which differed widely from the existing practice, and to that extent the Gracchi may justly be branded as revolutionary. But constitutional change found no place in their programmes as originally conceived. The measures wherein it was latent were hurriedly framed at a later stage to counter the irrational opposition of the conservatives, and the worst that can be said of the ill-considered replies is that their authors, in the enthusiasm of youth for a noble cause, did not pause adequately to consider the dangers which the State might run in days when there were tribunes less honest than themselves.

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[1] *Gött. Gel. Anz.* 1896, pp. 792 *sqq.*

[2] In *Sitzungsberichte der philos.-philol. u. hist. Klasse d. Kgl. Bayer. Ak. d. Wissenschaften*, 1907, pp. 443 *sqq.*

Whatever judgment may be passed on the characters and motives of the Gracchi, the wider significance of their careers, as a milestone in the course of Roman history, is clear. An elaborate attempt to remove some crying abuses of the day had been thwarted by the forces of conservatism. The mainspring of the opposition was the Senate, and to the Senate a challenge had been flung down.

The Assemblies had been used by both sides, and they were to remain pawns in the struggle henceforward. Issue had been joined about the future of the Roman constitution, and the revolutionary age had begun. When it ended with the principate of Augustus the tribunate and the Assemblies alike had sunk into insignificance, and the Senate itself only survived because its independence was henceforward to be curbed by monarchical control.

XVI. THE SENATE AND THE SETTLEMENT

The ten years which followed the death of Gaius Gracchus were a period of transition. First, by a judicious exploitation of its success, the Senate was returning to its old position of supremacy in the constitution; and secondly, though Roman history had not yet entered on the military phase which occupied the last decade of the century, domestic issues were receding into the background and there appears the man who, after the struggles with Jugurtha and with the Germanic invaders, was to become the first in that line of military *principes* which led in direct succession to Augustus.

At the outset there were some personal questions to be answered. The Gracchans, though the death of Gaius had been compassed with far more respect for the appearance of legality than that of his brother twelve years before, were by no means reconciled to the new weapon adopted by the Senate—the *s.c. de re publica defendenda*—and they determined to put to the test of a public trial the far-reaching claims which the action of the consul had implied. Accordingly Opimius was accused, and before long the People found themselves listening to what must have been one of the most acute and entertaining debates on the nature of law which ever flattered a Roman court[1]. The result is as surprising to us as it must have been gratifying to the Senate: Opimius was acquitted, and thereby the oligarchy won a signal victory, the significance of which has been discussed above (p. 89). Nor was this all. In the same year, 120 B.C., another tribune—L. Calpurnius Bestia, later one of the villains of the Jugurthine War—induced the People to go back not only on Gaius Gracchus but on itself by recalling P. Popillius Laenas, who had been the first victim of the Gracchan law against criminal courts established by the Senate (see above, p. 56 *sq.*).

Yet the conservative triumph was not complete: the most controversial of all the Gracchan laws—the Lex Acilia—still remained intact. Nor was there any lack of active opposition. It was a mere symptom that Q. Scaevola, the son-in-law of Laelius and known to posterity as the Augur, was prosecuted, probably in 119 B.C., on a charge of extortion in Asia, which he had lately governed: but more importance belongs to the attack on C. Carbo. Carbo, the ally of Gaius Gracchus and still a member of the agrarian commission, had deserted the friends of his youth in a way which could not command admiration. By whatever means he was elected, he secured the consulship for 120 B.C. and marked his tenure of the office by a defence of Opimius so whole-hearted that he did not hesitate to assert that Gaius Gracchus had been justly killed[1]. In the following year Carbo was accused, on a charge which cannot now be ascertained, by a young man just embarking on an oratorical career of a distinction unsurpassed until the age of Hortensius and Cicero. This was L. Crassus, who in these early days of his political life was far from being the staunch champion of the Senate which he became in his later years[2], and his attack was crowned with a success so great as to cause its author some remorse when Carbo, without waiting for the verdict, ended his life by eating Spanish flies.

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[1] Cicero, *de orat.* II, 30, 132; *part. orat.* 30, 104 *sqq.*

The death of Carbo called for little lamentation in any quarter, and such satisfaction as it gave the Gracchan party was at best the pleasure of a small revenge on one who had deserted a sinking ship. But though men could not appreciate its significance at the time, the history of the year contained a promise of higher hope for the fortunes of the cause which the Gracchi had at heart. It saw the first political activity of one who, for all his faults, was to do much towards raising the efficiency of the Roman government. Gaius Marius, whose home was an obscure village in the territory of Arpinum, had served with distinction under Scipio Aemilianus in Spain; but nothing is known of his public career at Rome until in 119 B.C. he held the tribunate. After the death of Scipio, Marius found his most influential support in the great family of the Metelli, who at this period dominated the political stage in Rome. One of them—L. Metellus, afterwards Delmaticus—was consul in this same year: and this fact gave the tribune an opportunity to show the stuff of which he was made. He had introduced a bill designed to carry on the good work begun by the ballot-laws and still further to reduce the opportunities for exercising pressure on the voters. The scope of the measure is obscure, but it was so much resented by the nobility that L. Cotta, the colleague of Metellus in the consulship, induced the Senate to summon Marius and demand an explanation of his conduct in promulgating a bill for which the previous approval of the Fathers seems not to have been asked. Marius came: there was an angry debate: and, when Metellus supported Cotta, Marius is said to have ordered Metellus' arrest. Thereupon the opposition collapsed; the bill was passed; and the People knew that it had at least one champion who was not afraid to face the Senate. Yet Marius was not an unmitigated demagogue: on another occasion during his tribunate he showed his ability to defy the clamour of the mob. The *lex frumentaria* of Gaius Gracchus was repealed at the instance of a certain M. Octavius[1]—not to be confused with the tribune of 133 B.C.—who proposed in its place an alternative less burdensome to the public finances[2]. When this happened we cannot say, and it is a mere possibility that 119 B.C. is the date. But, however that may be, the question of corn-distributions became an issue while Marius was tribune, and he did not hesitate to resist, with success, a measure which appears to have passed the limits of expediency in its popular appeal[3].

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[1] Cicero, *de orat.* II, 25, 106.

[2] This is shown by his attitude on the question of Narbo (see below, p. 112 *sq.*).

After failing to secure election as aedile, Marius scraped home last of the successful candidates for the praetorships of 115 B.C., and this office he managed to retain in spite of a prosecution for bribery. But his praetorship was not distinguished, and the year owes its interest rather to the consuls and the censors. One of the former was M. Aemilius Scaurus, made Princeps Senatus before his consulship was over—a man whose career demands notice for its similarity to that of Marius and also for its difference therefrom. Though Scaurus may have been descended from a family of some repute, he and Marius were alike in rising from humble beginnings to the highest offices of State. Both retained much of the brusque ruggedness which marked the class from which they had emerged, and neither was free from that greed for gain which the opportunities of office aroused in almost every Roman, and most of all in those to whom wealth was strange. But between these two there was one difference of the greatest moment. Scaurus, like Cicero, owed his highest advancement to the favour of the Senate. Though his policy was on some occasions his own, he married a daughter of Metellus Delmaticus—a lady who was subsequently wife of the dictator Sulla—and became in time the foremost spokesman of the senatorial cause—'cuius nutu prope terrarum orbis regebatur[1]'—thereby acquiring a favourable repute in the bulk of the historical tradition. Marius rose to power in the Senate's despite, and the enormous influence which he won was used against that body. Marius, therefore, had a hostile press; and, were it not for Sallust, our knowledge of his achievement would leave much to seek. Thanks to the monograph on the Jugurthine War, the significance of his career is plain: the *novus homo* who made his way on his merits, without help from the nobility and despite their opposition, was the first of the *populares* (see below, pp. 137 *sqq.*).

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[1] Cicero, *Brutus*, 62, 222.

[2] Cicero, *de off.* II, 21, 72.

[3] Plutarch, *Marius*, 4, 4.

When Marius became consul another step had been taken towards the Principate; but the consulship of Scaurus was a more humdrum affair. Its most notable feature was the passing of a Lex Aemilia dealing with the distribution of the freedmen through the tribes. The problem was one which raised constitutional issues of the first importance (see above, p. 8 *sq.*), but the detailed considerations which determined the political opinion of the day are not easy to ascertain. The votes of the freedmen were of use, if to anyone, to their patrons; and, in other days, it would have been in the interest of the senatorial class to give the freedman vote the greatest influence which its numbers justified. Now, however, the position had been altered by the advent of the ballot: it was no longer possible for a patron to count on the votes of his freedmen as his own, and in less than thirty years the distribution of the freedmen throughout the whole body of the thirty-five tribes was to become a plank in the platform of the Senate's enemies (see below, p. 203 *sq.*). The freedmen, to whom at first the four urban tribes had been open, and who had later crept, on strict conditions, into the rustic tribes as well, had been confined, with the exception of those who were passing rich, to the single urban *tribus Esquilina* during the censorship of Ti. Sempronius Gracchus in 169 B.C. If that arrangement had hitherto been observed, Scaurus must have proposed something of a more liberal nature: but if, as is by no means unlikely, the obvious unfairness of the system had led to its being tacitly ignored, Scaurus may be assumed to have enacted rules which, while more reasonable than to confine freedmen to one tribe out of thirty-five, would serve nevertheless to protect the *tribus rusticae* from contamination by a class which was clearly regarded with distrust. In that case, the Senate was still looking to the country-tribes for help against the city-following of any new Gracchus who might arise. Scaurus also passed a law against the luxuries of the table, and in his campaign on behalf of public morals he had the assistance of the censors. Not only were thirty-two senators removed from the Curia, but the stage was purged and its performances reduced to a jejune simplicity scarcely to be commended by the legitimate claim that its art was now wholly Italian.

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[1] Cicero, *pro Fonteio*, 7, 24.

Yet, in spite of these precautions, all was not well. In the autumn of 114 B.C. Rome was stirred to its depths by rumours of licence among the Vestal Virgins: suspicion fell upon three, but when the Pontifex Maximus and his colleagues held an investigation only one was condemned. With the new year there followed an assertion of popular authority significant enough even though the occasion was not purely political. In indignation at the supposed connivance of the *pontifices*, on the proposal of S. Peducaeus, a tribune, the People established a court of its own to try the case afresh, and in charge of it was put a man famous for his rigorous administration of justice. This terror to evil-doers—whose court was called the 'scopulus reorum'—was L. Cassius Longinus, famous for his inevitable question *Cui bono?*, and he brought to the investigation methods which must have satisfied the most raging thirst for blood. Indeed it was agreed in later days that his conduct was less than judicial. But the masses were in no mood for mercy, and for the moment there was satisfaction at the punishment of the two women formerly acquitted, together with some others: the men involved were also attacked, but in their case no conviction is recorded. And this was not all. Reference to authority, probably of Etruscan origin, was found to indicate the propriety of making human sacrifice. Accordingly, two Greeks and two Gauls were slaughtered in the Forum Boarium[1], and Rome was dishonoured by descent to a practice wholly foreign which, to the credit of the Romans, was formally repudiated in 97 B.C. Such were the frenzied efforts of a superstitious populace to placate the gods. Nevertheless two years later, in 111 B.C., for three days the sky rained milk and a large part of the city was destroyed in a disastrous conflagration[2].

XVII. THE STABILIZATION OF THE AGRARIAN POSITION

In the period before the Jugurthine and Teutonic wars came to occupy all the energies of Rome only one feature remains—the series of measures whereby the status of the *ager publicus*, left in great obscurity by the Gracchi, was reduced to order. The policy pursued in this matter has been the subject of much discussion. Some have seen in it an oligarchical attempt to undo the Gracchan achievement: others regard it as an honest effort to remove existing difficulties without disturbing the general situation. It has been observed above that the years following 121 B.C. were not marked by any overwhelming reaction: the Senate was again in the ascendant, but its enemies were by no means crushed. A ray of light on the agrarian history of the time may possibly be shed by a fragmentary inscription from La Malga[1] which contains in part three names, capable of restoration as those of C. Papirius Carbo, C. Sulpicius Galba and L. Calpurnius Bestia. According to the conjecture of Cichorius[2], a conjecture which is ingenious and attractive though admittedly beyond the reach of proof, this document preserves the composition of the agrarian commission after the deaths of Gaius Gracchus and M. Fulvius Flaccus, whom Galba and Bestia thus succeeded. If this interpretation were correct, it would be relevant to recall that Galba was son-in-law of a previous commissioner—P. Crassus Mucianus, who was himself the father of Gaius Gracchus' wife—so that one of the two vacant places would have been kept within the family as before. But, on the other hand, the attitude of Carbo had completely changed at latest by 120 B.C.: he was by then the Senate's man, Bestia had been foremost in securing the recall of Popillius Laenas, and, for the rest, both Galba and Bestia were among the senatorial victims of the Mamilian Commission in 109 B.C. Thus it appears that, if we know anything at all about the land-board after 121 B.C., our information suggests that it had a bias in favour of the conservative point of view, though the presence of Galba may betoken a desire to conciliate the other side.

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[1] Plutarch, *Quaest. Rom.* 83.

[2] Obsequens 39 [99].

The attack on the Gracchan legislation had begun even before the death of Gaius: Minucius Rufus had already sought to repeal the Lex Rubria (see above, p. 83), and in this he was ultimately successful. But the government did not abuse its return to power: for, though Junonia ceased to exist as a colony under that name, the settlers on the spot were allowed to retain their allotments, apparently on the same terms as the allottees in Italy[3], and it is also possible that Neptunia and Minervia were spared. For what follows Appian is our fundamental authority, and in the next ten years or so he records three laws dealing with the *ager publicus*[1]. First, perhaps still in 121 B.C., the Gracchan grants were made alienable. The clause of the Lex Sempronia now repealed has been discussed above (p. 24). It may well have been a temporary expedient, and it would be rash to assert that even its author would have resisted its withdrawal at this late date, when its purpose had probably been served. Still more dangerous is the assumption that the repeal was meant to open the way for a return of the *latifundia*. Appian's language is here so inaccurate that, as often, he is convicted of confusion, and his interpretation of the measure cannot be accepted as it stands. It is enough to reflect that, if, as we know to have been the case, the Gracchan plots still remained *ager publicus*, they would be debarred from incorporation in large estates unless the limit imposed by Tiberius Gracchus on the size of *possessiones* had been rescinded: no such *derogatio* of the Lex Sempronia is recorded, and the evidence of the extant *lex agraria* forbids its assumption. Under these circumstances the law of 121 B.C. is best regarded as the non-contentious cancellation of a clause, rightly enough inserted at the outset by Tiberius Gracchus, which, if retained, would have resulted in the absurdity of tying permanently to their allotments those small-holders who had failed to pay their way.

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[1] Dessau 28.

[2] *Römische Studien*, pp. 113 *sqq*.

[3] If the grants had originally been capable of ownership *optimo iure Quiritium*, they became *ager privatus vectigalisque*, either now or soon afterwards. Cf. E. Beaudouin in *Nouv. rev. hist. de droit français et étranger*, Année XVII, 1893, pp. 620 *sqq*.

There follow the two measures whereby the existing situation was fixed and stabilized. First, probably in 119 B.C., the minds of those who still feared for the security of their tenure were set at rest by the abolition of the land-board: by now its work had been done (see above, p. 44), and there was no reason to protract the existence of a body whose mere presence was thought by some to be a threat. At the same time the concession, originally offered to the large *possessores* by Tiberius Gracchus but withdrawn before the passage of his bill, was restored. They were to be guaranteed the perpetual tenancy of such *ager publicus* as they had been allowed to retain, though in return for this assurance they were henceforward to pay the State that rent which had been due in the past until it was remitted by Tiberius[2]. The revenue thus gained was to be expended on some object of popular appeal, conceivably to make less unattractive than it would otherwise have been that modification of the *lex frumentaria* which was in the air at this time (see above, p. 95). After this there must be mentioned an enactment, apparently passed in 112 B.C. when M. Livius Drusus was one of the consuls, to confer some benefit on Latin and Italian holders of public land; but nothing is known of its scope[1].

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[1] *Bell. Civ.* I, 27.

[2] It is not easy to believe that the recipients of the Gracchan allotments, who had probably been exempted from the payment of rent by Livius Drusus (see above, p. 72), were now required to pay again.

The settlement was completed by the measure preserved in part on the back of the bronze sheet whose other side bears the text of the Lex Acilia. This act[2], which may be dated with probability to 111 B.C., is a complicated attempt to have done with disputes and to banish uncertainty, but its main intentions may be briefly stated[3]. First, all *ager publicus* in Italy which had been dealt with by the Gracchan commissioners, whether they had assigned it in small lots either to isolated applicants or to prospective members of a colonial foundation, or had left it in the hands of long-standing *possessores*, was, so long as the limits of the Lex Sempronia were observed, to become the private property of its occupants. The rent imposed by the previous law was in these cases consequently abolished. Secondly, *coloniae* and *municipia*, whether Roman or Latin, were to be secured in their tenancy of all *ager publicus* the use of which had been assigned to them corporately. Finally, the system of squatting was to end: henceforward what *ager publicus* remained was either to be let piecemeal on lease by the censors or to be left open as common land (*ager compascuus*).

Such are the more important effects of the law so far as Italy is concerned. The second half of the extant clauses deal with land in Africa and at Corinth. Here the main object was to raise money by the sale of public domain, possibly to make good in some degree the loss of revenue from Italy, but more probably to provide funds for the war which had been declared on Jugurtha the year before. In the present place these clauses call for notice only because of the anxiety they display to safeguard all vested interests, among others those of the colonists whom the Lex Rubria had settled round Carthage. Both in its provincial arrangements and in those which bore on Italy the law displayed no tendency to go back on the past: it accepts and simplifies the existing situation, and, though it did indeed pave the way for the growth of large estates in Africa, it rather helped than injured the classes whom it had been the design of the Gracchan programme to benefit. The moderation of the settlement may have been partly due to the circumstances of the moment: the beginning of a war is not the most appropriate time for controversial enactments on subjects unconnected with the main issue of the day. But the measure is in accord with the whole trend of agrarian legislation since the death of Gaius Gracchus. The work of the Gracchi was accepted: those who had profited were left with their gains intact: the situation of 121 B.C. was not undone but, so far as possible, made permanent: and the status of the public domains was subjected to a salutary simplification. So closed an epoch in the history of the *ager publicus*. As a source from which land could be found for distribution it was now near exhaustion. Little remained that was suitable except the precious Campanian domain; and so, if land was needed by the State hereafter, either confiscation or purchase in the open market would soon become inevitable. In another context too, the year 111 B.C. is a turning point. Hitherto land-allotments had been used to relieve unemployment due to ordinary economic causes: henceforward, thanks to the army reforms of Marius, the most pressing claim came from the ex-service man.

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[1] Bruns, *Fontes*⁷, 11, l. 29.

[2] Bruns, *Fontes*⁷, 11. About the authorship of this law it appears to the present writer that Cicero (*Brutus*, 36, 136) and Appian (*Bell. Civ.* 1, 27, 122) are in conflict, that Cicero should be preferred and, consequently, that the man from whom it took its name was Sp. Thorius. But in a matter of much uncertainty there is no need to insist on this point. For another view see Th. Mommsen, *Ges. Schr.* 1, p. 70, and E. G. Hardy, *Six Roman Laws*, p. 47 *sq.*

[3] A completely different account of this measure would be required if the suggestions of Ch. Saumagne (*Revue de Philologie*, Série III, vol. 1, 1927, pp. 50 *sqq.*) could be accepted. Reasons for their rejection are given by M. A. Levi in *Riv. Fil.* N.S. VII, 1929, pp. 231 *sqq.*

CHAPTER III

THE WARS OF THE AGE OF MARIUS

I. ASIA AND THE REVOLT OF ARISTONICUS

On his death in 133 B.C. Attalus III, the eccentric king of Pergamum, was found to have left a will wherein the Roman People had been instituted heir. The doubts cast on this story by Sallust[1] were finally dispelled by the publication in 1890 of conclusive epigraphic evidence[2]; but the details of the bequest and the reasons for which it was made still remain uncertain. It is a plausible conjecture of Mommsen's that the action of Attalus, who had no issue, is to be explained by nothing more subtle than the traditional philo-Roman policy of his house and the reflection that the greatness of Pergamum was due in reality to the generosity of the settlement made by Manlius Vulso after the victory of Magnesia (vol. VIII, pp. 232 *sq.*). In any case his action did little more than anticipate the consequences which before long must inevitably follow from Rome's habitual use of Pergamum as the centre of the close control which she exercised over the affairs of Asia. But, if the causes of the bequest are no great mystery, its details remain to some extent obscure. When Florus[3] says that the king left 'his property' to Rome, this is something less than the whole truth. It appears from the inscription already mentioned that the city of Pergamum itself, together with part of the surrounding country marked off by the testator as its special *territorium*, was to remain free; and it is not impossible that similar exemption from the general purpose of the will was granted to other Greek cities in the realm.

When news of the royal dispositions was brought to Italy, Rome was in the midst of the exciting tribunate of Tiberius Gracchus, and the way in which Gracchus sought to divert some part of the bequest to the purposes of his agrarian scheme has been described above (p. 30 *sq.*). It remains to consider the problem of foreign policy with which Rome was now confronted. For fifty years or more Asia had been included in the area whose affairs lay under the general direction of Rome; but Roman influence had hitherto been exercised through her faithful henchmen on the throne of Pergamum. The development now in prospect was not one to be faced with confidence. For Rome suddenly to be saddled with the task of governing a large part of Asia Minor meant a change which, in the absence of a proper civil service or even of any adequate scheme of imperial administration, might give pause to minds less prejudiced against annexation than those which normally determined the action of the Senate. Nevertheless, the bequest of Attalus was accepted without hesitation, and its acceptance is a sign of that new spirit in foreign policy which marks the emergence of the commercial class as a power in the affairs of Rome.

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[1] *Hist.* IV, 69, 8 M.

[2] *O.G.I.S.* 338 = *I.G.R.R.* IV, 289.

[3] I, 35 (II, 20) 2.

The death of Attalus III seems to have befallen at a time when his kingdom, or at least its capital city, was shaken by social unrest. There was discontent among the less wealthy classes, which may well have been roused by the widespread repercussions of affairs in Sicily, and this is perhaps the explanation of a hurried measure taken by the citizens of Pergamum even before the will of the late king had been formally recognized by Rome. In the hope, it may be, of avoiding a servile war, the Pergamenes made generous grants of privilege to those sections of the population from which danger was particularly to be feared or whose loyalty was of especial value. Full citizenship was conferred on the *paroikoi* (vol. VIII, p. 598) and on several categories of mercenary troops, and at the same time certain slaves were raised to the status of *paroikoi*: but these concessions were categorically denied to all individuals who had left their homes already or might subsequently do so. The object of the enactment was apparently to stop the recruitment of some hostile force from a source whereon it might expect to draw. Meanwhile, in the latter part of 133 B.C., the Senate at Rome had passed a decree confirming all the acts of the kings of Pergamum up till the day before the death of Attalus III[1]; and at some time thereafter, probably not before the beginning of 132, a commission of five members, which included the egregious Scipio Nasica, was sent to Asia to make such arrangements as the situation required.

Whatever may have been the reasons for the appointment of this board, the presence of competent Roman representatives in the East was made the more urgent by a menacing development. The revolutionary elements suddenly found a leader during the early months of 132 B.C. in the person of a certain Aristonicus, who was thought to be the son of Eumenes II and an Ephesian concubine. This individual, whose achievements show him to have been no fool, contrived to work up the widespread dissatisfaction with the existing social order and the intelligible resentment felt in certain quarters against the late king's bequest of his dominions to Rome into an organized resistance to the new suzerain and all her friends: thus the Roman government was given an immediate experience of the obligations incurred by accepting the inheritance of the Attalids. Before long, isolated violence had developed into warfare on an alarming scale. Like Mithridates Eupator in the next century, Aristonicus seems at first to have conceived hopes that the Greeks of Asia would join his cause; but though he got possession of Leucae, and though Phocaea may have moved as well, the fleet which he somehow contrived to raise was defeated off Cyme by the Ephesians. Thus ended the first phase of the affair. Aristonicus was now thrown back on the native populations of the hinterland, whose interests naturally induced him to emphasize his programme of social reform and to allow nationalist aspirations for independence to fall into the background.

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[1] *O.G.I.S.* 435 = *I.G.R.R.* IV, 301.

This movement, which apparently began among the serfs of the large estates and seems now to have drawn its main strength from the semi-independent population of the Mysian uplands and the regions to the south, took on a Utopian tone: Blossius of Cumae (see above, p. 21) arrived from Italy, and the 'City of the Sun'—the name of the Blessed Isle in the romance of Iambulus (vol. vii, p. 265 *sq.*)—was the title chosen for the State which it was proposed to found. At first Aristonicus met with some success, even perhaps to the extent of winning Pergamum to his side[1]; and there was a moment when other Greek cities, either perforce or of their own free choice, lent him their support. Thyatira and the neighbouring Apollonis were captured by the rebels[2], and in due course revolt spread southwards towards Caria, where Halicarnassus was affected[3] and the loyalty of Samos and Myndus was undermined. It was in the north, however, that the danger became most grave; for there the attacks delivered on the coastal towns by the Asiatic rebels were reinforced by a sympathetic movement of the Thracian population beyond the Hellespont[4]. Thus the trouble with which Rome was called upon to deal spread from Thrace down to Caria, and its dimensions were such as to brook no trifling.

The commission sent out from Rome in 132 B.C. could do no more than organize the inadequate materials for resistance available on the spot, which consisted of nothing but the armies of such neighbouring kings as would direct their policy at Rome's behest. Such as they were, these monarchs loyally discharged their obligations. The faithful Mithridates V Euergetes of Pontus, who had shown his devotion to Rome during the Third Punic War, seems to have been responsible for the suppression of the movement in Pergamum itself[1], a service for which he was not to go unrewarded (see pp. 106, 221 *sq.*); Nicomedes II of Bithynia and Pylaemenes of Paphlagonia lent a hand; and Ariarathes V of Cappadocia, whose conduct in the past had not always been above reproach, actually fell in the course of the war [2]. But all this was not enough: it was obviously necessary that a Roman army should be sent to Asia. Accordingly troops were raised, and in 131 B.C. they reached the scene of operations under the consul Crassus Mucianus. The campaign of Crassus against Aristonicus is too ill-recorded to be followed in detail. At some time early in 130 B.C., he is found engaged in the siege of Leucae, the earliest headquarters of the enemy; but a sudden attack compelled him to retire thence towards the north, and during the retreat he was captured by a squadron of Thracian cavalry, in whose hands he somehow met his death. The command of the Roman forces passed without delay to M. Perperna, consul of 130 B.C., with whose advent Rome began to win the upper hand. Aristonicus was so seriously defeated in the first engagement that he withdrew behind the walls of Stratoniceia, by which is probably meant the city of that name in Caria (Eski-Hissar); and there, after a siege, he and his followers were forced to surrender. Aristonicus, together with much wealth from the treasure of the Attalids, was forthwith shipped to Rome, where sooner or later he perished in the Tullianum: but Perperna did not live to enjoy the triumph he deserved. Sometime in 129 B.C. he was carried off by sudden death while still at Pergamum, and thus the way was opened for M'. Aquilius, consul of 129, who had already shown signs of a determination to see that Perperna should leave his natural successor some excuse for a campaign. But the revolt was now so completely broken that, for military operations, Aquilius had to be content with a solemn progress to restore order in such outlying regions as the remoter parts of Mysia[3], and for the rest he was free to proceed with the work which gives him a more serious claim to notice—the organization of the Roman province of Asia.

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[1] *I.G.R.R.* iv, 292, ll. 13 *sqq.*

[2] Strabo xiv, 646.

[3] See A. Wilhelm in *Jahreshefte* xi, 1908, p. 69 *sq.*

[4] *O.G.I.S.* 339, ll. 16 *sqq.*—Sestos: cf. *I.G.R.R.* iv, 134—Cyzicus.

[1] *I.G.R.R.* IV, 292, ll. 13 *sqq.*

[2] Justin XXXVII, I, 2.

[3] See M. Holleaux in *Rev. E.A.* XIX, 1919, p. 2, ll. 13 *sqq.* It was on this expedition that Aquilius, by poisoning the wells, descended to a practice which even the Romans did not fail to resent (Florus I, 35 (II, 20), 7).

Aquilius and the ten senatorial commissioners sent out to assist him seem to have set about their task with the characteristic determination to keep for Rome what was worth having and to dispose of the rest. The rich and fertile lands in the west of the peninsula were formed into the province of Asia, but the higher and less valuable country to the east was available to be bestowed on those of the neighbouring powers whose services to Rome deserved some tangible reward. For these boons there was long and troublesome competition. Lycaonia, indeed, soon learnt its destination: it was handed to the heirs of the Cappadocian Ariarathes V, who had died while fighting Aristonicus (pp. 105, 235). But a graver problem was presented by Greater Phrygia, the rough but by no means valueless region which stretched from Lydia up to the borders of Galatia. For this there were two rival claimants, neither of whom could be lightly brushed aside: one was Mithridates Euergetes of Pontus, the other Nicomedes II of Bithynia. So difficult was the decision between this pair that Aquilius and his colleagues, so it was alleged, simply knocked down the prize to the highest bidder, who happened to be the Pontic king. This decision, however, was violently contested both by the Bithynian party and by various interested sections in the political world at Rome. The dispute was long. Though Aquilius celebrated a triumph on 11 November 126 B.C., he was subsequently accused of corruption; and so widespread was the belief in his guilt that the acquittal in which the trial ended supplied Gaius Gracchus with one of his many arguments for the necessity of reform in the *quaestio repetundarum*[1]. But this was by no means all. Gaius Gracchus himself resisted a bill proposed by one Aufeius, whose object was to confirm the grant of Phrygia to Mithridates[2]; but, though Gracchus changed the financial administration of the Roman province (see above, p. 64 *sq.*), Rome was still refusing to recognize the Pontic claims to Phrygia when Mithridates V died in 120 B.C. Thereafter, possibly in 116 B.C.[3], the question was answered in a way which had much to commend it to the Roman point of view. Phrygia was not given to either set of claimants: instead, the preliminary grant to Pontus was finally revoked, if this had not been done some time before[4], and the communities of the country seem to have been organized into some loose form of league, which was perhaps placed under the general supervision of the governor of Asia. Thus in the end Rome emerged

[1] Appian, *Bell. Civ.* I, 22, 92; see above, p. 70.

[2] See Malcovati, *Or. Rom. Frag.* II, p. 137 *sq.*

[3] Cf. *O.G.I.S.* 436=*I.G.R.R.* IV, 752.

[4] Cf. Appian, *Mith.* 57.

with a province of the greatest value and with control over the vast area of Phrygia; but the vacillation and corruption which marked her progress to this satisfactory end are a discreditable chapter in the history of Republican diplomacy.

II. THE EASTERN EUROPEAN FRONTIER

From the Black Sea to the Pyrenees Rome was engaged during the period from 129 B.C. to the end of the second century in a series of campaigns which, though often individually negligible, together did much to lay the foundations of the later frontier. Their most valuable result was to forge links of connection between the hitherto isolated areas of Roman occupation in Spain, Italy, the Balkan Peninsula and Asia. In the section of the line between the Black Sea and the Alps, Rome already controlled three *points d'appui*. On the east lay the Thracian Chersonese, which had formed part of the Pergamene legacy and had afterwards been loosely attached to the province of Macedonia. Next came Macedonia itself. And, finally, on the west was Illyricum—a district wherein Roman interests were so pronounced that the first steps towards its organization as a province seem to have been taken so early as 167 B.C. It was left for the Principate to establish Roman arms along the whole length of the Danube; but during the years here under consideration rapid progress was made towards stretching a continuous line of Roman territory along the north coast of the eastern Mediterranean.

Such campaigns as were conducted to the north of the Italian peninsula itself were so brief and so circumscribed in area that they call for no detailed notice. In 118 B.C. Q. Marcius Rex attacked the Stoeni, an Alpine tribe whose home is probably to be placed in the mountains north-west of the Lago di Garda; but thereafter nothing more of outstanding note is recorded to have happened until 94 B.C., when Lucius Crassus, the orator, combed out the southern foothills of the Alps and so did much to secure the peace of the northern Italian plain[1]. Farther east, however, activity was more continuous. The successes of Servius Flaccus on the Dalmatian coast and of M. Cosconius in the hinterland (135 B.C.) had produced no lasting settlement of Illyricum, and Roman armies were again in the field by 129 B.C. C. Sempronius Tuditanus, consul of that year, had taken himself off to the eastern coast of the Adriatic for reasons which were not wholly military (see above, p. 42); but, whatever its urgency may have been, he called attention to his arrival by delivering an attack on the inhabitants of the Carso—a people known to Rome as the Iapudes. The result for the consul was an undeniable defeat, which it required the skill of D. Junius Brutus, the hero of the Spanish wars (vol. VIII, p. 316), to retrieve: but with the help of Brutus he won some signal successes of which notable monuments survive[1], and Roman arms were carried through Dalmatia as far as Zara and beyond.

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[1] Cicero, *de inv.* II, 37, 111; *in Pis.* 26, 62.

For ten years after this there was peace, but in 119 B.C. a fresh rising of the natives opened a long period of continuous fighting. It seems that early in this year[2] the governor of Macedonia, Sextus Pompeius, found himself in conflict with the Scordisci, a great Gallic tribe who, during the migrations of the third century B.C., had settled south of the lower Save and whose territory extended to the east even across the Morava. In the course of the fighting Pompeius was killed, and, though the situation was retrieved for the moment by his quaestor, a certain M. Annius, Rome had sustained a reverse which could not be overlooked. The duty of restoring Roman prestige belonged to L. Metellus, possibly with the help of L. Cotta[3], his colleague in the consulship of 119 B.C. During this year and the next he conducted some successful campaigns which in the end brought him back to Salonae, where he passed a winter[4]. Thence he returned to celebrate a triumph in 117 B.C. and to assume the name 'Delmaticus.' Then, in 115 B.C. M. Aemilius Scaurus pushed eastwards from Aquileia across the Julian Alps and established Roman influence among the Taurisci and other peoples round the head-waters of the Save. But Macedonia was still the scene of the most pressing danger. The next event of which any adequate evidence is preserved was a severe defeat inflicted by the Scordisci on C. Cato, consul of 114 B.C.—a defeat so decisive that the enemy were able even to raid Greece as far as Delphi; and the situation was made the more serious by the presence in these regions of the roving Cimbrian horde (see below, p. 141). In 113 B.C. Macedonia, now almost regularly a consular province, fell to C. Metellus Caprarius, whose attention seems to have been engaged by the tribes of Thrace; and in 112 B.C. he was joined by one of his successors in the consulship, M. Livius Drusus, the tribune of 122 B.C. Both those commanders subsequently triumphed in Rome; but a lacuna in the Fasti leaves us in doubt about the identity of the people over whom Metellus won his victories. Drusus, however, is definitely recorded as conqueror of the Scordisci, and it may be assumed that it was he who repaired the damage done by the disaster to Cato. Indeed, the success of his operations is indicated by the story that he even advanced to the banks of the river Danube[1].

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[1] Pliny, *N.H.* III, 129; Dessau 8885. Cf. also B. Tamaro in *N.S.A.*, Serie sesta, I, 1925, pp. 1 *sqq.*

[2] Ditt³. 700: for the date see M. N. Tod in *B.S.A.* XXIII, 1918–9, pp. 206 *sqq.* and *ib.* XXIV, 1919–21, pp. 54 *sqq.*, especially p. 56.

[3] Appian, *Ill.* 10.

[4] Appian, *Ill.* 11.

Even so, however, the resistance of the Scordisci went on, and M. Minucius Rufus, one of the consuls of 110 B.C., opened a new campaign, which duly produced its triumph in 106 B.C. and therewith a famous monument in Rome—the Porticus Minucia, the scene of the public distributions of corn during the early Empire[2]. But the final pacification of this frontier was left for another hand, and for one which cannot be recognized with confidence. The vague story of Appian[3] shows that, while peace was made with the Maedi of the Strymon valley and with the Dardani who lived along the banks of the Morava, the Scordisci in the end were so hard hit that only a remnant survived to take refuge on the Danube or beyond. Yet they are recorded still to have been fighting Rome in 76 B.C., and it must be assumed that about the end of the second century some temporary pacification was achieved which did not involve their final expulsion.

If the L. Scipio to whom Appian ascribes the final settlement is the same as the consul of 83 B.C., the absence of serious fighting during the fifteen years or so after 100 B.C. would suggest that the back of the resistance had been broken by one of his predecessors; but the identity of this person is hard to fix. One figure alone stands out. In the last years of the second century T. Didius was praetorian governor of Macedonia, and his period of office was marked by an extension of the provincial frontiers[4]. This fact, together with his celebration of a triumph[5] and his rapid rise to the consulship in 98 B.C. although he was a *novus homo*, is our only clue of value to the date of the decisive Roman success and to the name of at least one among its authors. For the rest there is nothing to mention beyond some minor operations on the Thracian front, where Roman successes are recorded in 104 and 97 B.C.: but their importance was probably small, for no trace of them is to be found in the Acta Triumphorum, which are extant for the latter year. It seems that from the time of T. Didius quiet prevailed on the eastern European frontier until in the eighties of the last century B.C. a fresh disturbance and another inroad into

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[1] Florus I, 39 (III, 4), 5. [2] Cf. also Dessau 8887. [3] *Ill.* 5.
[4] *S.E.G.* III, 378, ll. 28–9. [5] Cicero, *in Pis.* 25, 61.

Greece provoked the campaigns of Cn. Dolabella after his consulship in 81 B.C. and so inaugurated a period of renewed activity which culminated in the achievements of C. Curio and M. Lucullus.

III. THE WESTERN EUROPEAN FRONTIER

Even before the middle of the second century B.C. the peoples of southern Gaul, either under the pressure of incipient movements in the far North-East or, more probably, confident in the strength of the loose political unity which had been formed round the tribe of the Arverni, had raided the territory of Massilia and compelled Rome to support her old friend and ally by military intervention. The campaigns of Q. Opimius, though they led to no immediate annexation by Rome, left Massilia with her territory enlarged and her security against the surrounding tribes guaranteed by an arrangement for the permanent deposit of hostages in her hands (vol. VIII, p. 330). Less than thirty years later the Gallic pressure was renewed—at a time when the circumstances of Roman politics had so far changed that the incident was gratefully seized by the government as an excuse for military operations on a scale so extensive that the permanent occupation of southern Gaul was their almost inevitable result. Not only were the commercial classes a rising power in politics, but the Senate itself seems to have welcomed an undertaking which would distract the attention of the voters from alarming proposals of domestic reform. Accordingly, when the Massiliotes asked Roman aid against the raids of the Salluvii, an army was sent north under the command of M. Fulvius Flaccus, the friend of the Gracchi and a consul of 125 B.C. In that year or the next he marched across the Western Alps and fought against the Salluvii of the coast, and the Ligures and Vocontii to the north of the Durance, with such success that on his return to Rome he was allowed the honour of a triumph in 123 B.C. But the victories of Flaccus were not decisive, and it was left to a successor, C. Sextius Calvinus—a consul of 124 B.C.—to pacify the immediate neighbourhood of the Massilian territory. Calvinus had to face the same peoples as Flaccus, and he did so with determination. Pressure on the enemy was maintained by a long series of engagements, until finally a considerable army mustered by the Salluvii was decisively beaten, and the 'city' of that tribe, which probably stood on the plateau of Antremont, a couple of miles to the north-east of Aix-en-Provence, was captured. For the moment the war was at an end. The territory of Massilia was again enlarged, but this time peace was to depend on a surer guarantee than the deposit of hostages with the Massiliotes. By founding the *castellum* of Aquae Sextiae[1], the object of which was undoubtedly to reinforce Massilia in the task of keeping open communications between Italy and Spain, Sextius took the first irrevocable step towards the creation of a province in southern France[2].

When Sextius celebrated his well-merited triumph in 122 B.C., his achievements had already begun to produce their inevitable result. The defeat of the outlying Gallic tribes and the establishment of Roman occupation beyond the western Alps caused widespread alarm in Gaul, and before long the Arverni themselves, who claimed a general hegemony of the country, took the field under their king Bituitus. With them the powerful people of the Allobroges was in alliance, while their rivals the Aedui took the side of Rome[3]. Cn. Domitius Ahenobarbus, consul of 122 B.C., was sent north with an army of considerable dimensions, which even included a number of elephants; but, before opening hostilities, he tried the method of negotiation. However, when the Allobroges were summoned to surrender the fugitive leaders of the Salluvii to whom they were giving shelter, their reply was to march southwards against the Romans, and thereupon, probably in 121 B.C., Domitius set out to meet them. A mission sent by Bituitus could not fool him into delaying while reinforcements from the Arverni joined the Gallic forces already in the field, and on the banks of the Rhône, somewhere between Avignon and Orange, the Allobroges were crushingly defeated: according to Orosius[4] the enemy lost three thousand prisoners and twenty thousand killed. But the main strength of the formidable Arverni had not yet been brought to bear; so Rome sent out fresh troops under Q. Fabius Maximus, consul of 121 B.C. The Arverni and their allies, led by Bituitus himself, crossed the Rhône at a point not far from Valence[5], and there, on the eastern bank, in the month of August 121[1] they were beaten in a final and decisive encounter By this battle the fate of southern Gaul was sealed. Though Bituitus himself was still at large, the control of the country south of the Cevennes was at the disposal of Rome, and Rome at this time was in no mind to refuse her opportunities.

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[1] Aquae Sextiae probably did not receive the status of *colonia* until after the eclipse of Massilia at the end of the Republic.

[2] Strabo IV, 180.

[3] The authorities are here so discordant that the course of operations cannot confidently be described. On the general sequence of events the Livian tradition, supported by Valerius Maximus (IX, 6, 3), is in conflict with the stray remarks of Strabo and Velleius and is not easy to reconcile with the Acta Triumphorum. Nevertheless, the story told by Livy appears to have been on the whole more plausible than its rivals, and attempts to construct an alternative have not met with marked success.

[4] V, 13, 2.

[5] It is possible, however, that the Isar of Strabo (IV, 185) and the Isara of Pliny (*N.H.* VII, 166) and Florus (I, 37 (III, 2), 4) are not the Isère but the Eygues, in which case the battle would have been fought in the neighbourhood of Orange.

While Fabius returned home to celebrate a triumph, which was commemorated by his new surname 'Allobrogicus' and by the Fornix Fabianus now erected at the east end of the Roman Forum, Domitius stayed behind in Gaul to complete the work of settlement. Not only was Bituitus captured and sent a prisoner to Italy, but the Allobroges formally submitted to Rome, and their neighbours followed suit in succession until Domitius found at his disposal a territory stretching from Geneva to the Pyrenees. Geographically, though it was marked off to some extent by the mountain barrier of the Cevennes, and though its population was ethnically different, at least in part, from that of the rest of Gaul, this region was not a perfect unity, and its security was scarcely assured even when a number of the surrounding peoples, among whom the Aedui and Sequani were the most famous, formally became the Friends and Allies of the Roman People. But, whatever its military weakness, it supplied the corridor between Italy and Spain which was one of Rome's most urgent needs, and for that reason alone the creation of a province was inevitable. Domitius was back in Rome before the end of 120 B.C.; for, like his colleague Fabius, he triumphed in that year. Yet, short as the time available had been, the province was already formed. Massilia, left in control of the coastal region through which the Via Julia Augusta later ran, was responsible for the safety of such traffic as might pass that way. Farther west, between the Rhône and the Pyrenees, the Romans addressed themselves to the construction of a great trunk road which connected Tarascon[2] with the Col du Perthus and took the name 'Via Domitia' from its designer.

There remained one further step—to begin the development of the new resources thus brought within the reach of Roman enterprise. In 118 B.C., or shortly before that date, it was proposed to send a colony of Roman citizens to Transalpine Gaul—a proposal painfully reminiscent of Junonia. In spite of resistance from the Senate, which seems even to have gone so far as to contest the project after it had been passed[3], Narbo Martius was founded as rival and successor to the large Celtiberian city of Nero, thanks in some degree to the energetic support of the young L. Crassus, whose career as an orator was now beginning[1]. Though the circumstances of the dispute are lost beyond recall, the affair is significant. It shows the Senate by no means master of the political situation, even after Gaius Gracchus had been dead three years, and it invites the conjecture that the commercial interests were taking an active part in the determination of policy. Doubtless, even after the Gracchan legislation, there remained a surplus proletariate in Rome, some members of which may have been anxious for an opportunity to earn a substantial livelihood in Gaul: but it is difficult to believe that they alone were strong enough to overcome the opposition of the Senate, nor, to judge from his policy in later life, is it likely that these were the people for whom Crassus spoke. The influence which forced this foundation on the Senate, like that revealed in the occupation of the Balearic Islands and perhaps also in the Jugurthine War (see below, pp. 152 *sq.* and 132 *sq.*), is more probably to be found in the commercial section of the upper classes—a section which was now beginning to search with zest for new fields of exploitation and investment and which ended by striking its roots deep in Gallia Narbonensis, a region which soon could be described as 'Italia verius quam provincia[2].'

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[1] Pliny, *N.H.* VII, 166.
[2] Polybius III, 39, 8; Strabo IV, 178.
[3] Cicero, *pro Cluentio*, 51, 140.

IV. THE *BELLUM JUGURTHINUM* OF SALLUST

The scene now shifts to the southern shore of the Mediterranean. Peace was being restored by degrees on the European frontier. Operations, indeed, might still be necessary in Illyricum and Macedonia, and the incalculable menace of the German invasion was not far off; but for the next eight years the focus of interest in Roman history is moved to Africa. The Jugurthine War was an episode of far-reaching influence, and Sallust does not exaggerate when he asserts that its repercussions may be traced down to the end of the Republic. The more serious aspects of the affair must be reserved for notice after a sketch of the campaigns; but at the outset, if the evidence is to yield the conclusions which it contains, something must be said in general about the nature of the authorities.

Though they may add an occasional mite, the minor extant sources—Livy (whose version is only known through the

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[1] For a monument of the part played by Crassus in this affair see *B.M.C. Rep.* I, pp. 184 *sqq.* and III; plate XXX, 10–14, as interpreted by H. Mattingly in *J.R.S.* XII, 1922, pp. 230 *sqq.* See Volume of Plates iv, 2, *d*, *e*, *f*.

[2] Pliny, *N.H.* III, 31; cf. Cicero, *pro Fonteio*, 5, 11.

Epitomes and the derivative works of Eutropius and Orosius), Plutarch, Appian and Dio—are so superficial and so fragmentary that, with the aid of their contributions alone, it would be impossible either to reconstruct the story of the war or even to appreciate its significance. It is on the monograph of Sallust that our knowledge depends, and a proper use of the material which it provides is only possible if the nature and origin of the work are rightly understood. There is no reason to doubt that Sallust's interest in African affairs was stimulated by his personal connection with the country: he went there with Caesar in 47 B.C. and subsequently became the first governor of Africa Nova. But for a mind like his the war against Jugurtha had peculiar attractions of its own. After the hackneyed professions whereby the historians of the Hellenistic age were wont to justify their calling, Sallust goes on to ask the reader's notice for his theme, not only because the struggle was long and grim, with many vicissitudes of fortune, but also because it was the first occasion on which a challenge was thrown down to the proud claims of the *nobilitas* (*Bell. Jug*. 5, 1). This latter feature is the real subject of the work. The Gracchi, indeed, had shown undeniable signs of resistance to the Senate, but from a man of Sallust's outlook their achievement could exact at most a passing tribute of respect. Sallust was a follower of Julius Caesar, and the political descent of the great dictator was traced, not from the Gracchi, but from the earlier *populares*, among whom the Gracchi cannot strictly be included: and of the outstanding *populares* by far the most famous was Gaius Marius (see pp. 137 *sqq*.). The aim of Sallust is to show how Marius started on the course which was to leave him in the end the foremost citizen of Rome and to reveal how for the first time, though by no means for the last, a *novus homo* rescued the State from a situation which the incompetence and corruption of the *nobilitas* had rendered desperate.

If such was his object, it is idle to suppose that Sallust felt himself compelled to give an exact and detailed description of the African campaigns. Indeed, had he regarded accuracy and completeness as essential to his purpose, he could scarcely have essayed to write the work at all. When he was in Africa, more than half a century had elapsed since the end of the period with which he deals, and at that late stage to co-ordinate such oral tradition as survived would have been wholly beyond the power of a man whose time was absorbed by the business of administration. The bare outline of events might be more or less familiar, and doubtless a few of the more outstanding incidents lingered in popular memory: but it is obvious that, even if Sallust had conceived the idea of writing on the Jugurthine affair before he left Africa for good, his chief debt is to the scanty information preserved in literature.

About these sources little need be said, but that little is of the first importance. The outstanding peculiarity of the *Bellum Jugurthinum* is its unevenness. The work may be roughly divided into three sections—the story down to the beginning of 109 B.C. (cc. 1–42), the campaigns of Metellus (cc. 43–86), and the command of Marius (cc. 87–114)—and it is remarkable that on events in Africa Sallust has far better information for the first and second of these periods than for the third. This weakness of Sallust on the third phase becomes the more striking when it is remembered that here he is dealing with the crowning achievements of his chosen hero, and that the only passages in this section which lay any claim to detailed accuracy are those which concern the doings of a man for whom Sallust had no affection—the future dictator Sulla. The first conclusion from this evidence is clear: Sallust is not following any single contemporary source written on a scale approaching that of his own monograph. If he took as his basis some earlier record of the war as a whole—whether this be the work of P. Sempronius Asellio or the treatment to be found in the *Historiae* of Posidonius—this history was a superficial production of which the weakness is revealed in the final section of the *Bellum Jugurthinum*. At most it supplied a sketchy outline of the affair, which it was the task of Sallust to fill in with the aid of other documents more adequate though less continuous. Of the more copious sources there are three in particular which it is reasonable to conjecture that Sallust may have used. For the preliminary negotiations and the fighting during the command of L. Calpurnius Bestia valuable information must have been preserved in the three books *De vita sua* by M. Aemilius Scaurus—books which Cicero[1] describes as 'sane utiles, quos nemo legit': but, if Cicero himself had read them, Sallust may well have done the same, though it is obvious that this was not the source of those aspersions on the honesty of Scaurus with which Sallust makes free. In the second section, where Metellus is the central figure, there are signs of indebtedness to the writings of P. Rutilius Rufus, who himself was serving in Africa at the time. And finally, in the concluding chapters, where the operations of Marius are described, the economy of detail in almost every episode wherein Sulla takes no part lends colour to the obvious conjecture that

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[1] *Brutus*, 29, 112.

Sallust is here filling in his outline with incidents taken from the *Memoirs* of the dictator. Thus it appears that Sallust's method was to block out a flimsy framework, derived from some source which can no longer be identified, with details drawn from various other publications of which three may still be recognized with some degree of probability.

Successful though it be as a work of art, in its construction the *Bellum Jugurthinum* is a patchwork, and its patchwork nature raises the question of the degree of chronological accuracy which Sallust is likely to have attained in the conflation of his varied materials. Had it been his object merely to provide a permanent record of the course which the war pursued, we might regret his failure and be grateful for the ingenuity which has been expended in modern times on the problems, both of topography and of time, which his text presents. But, if it be true that the interests of Sallust lay in the political life of Rome during the Caesarian age rather than in the details of warfare in Africa half a century before, it becomes rash to assume that his narrative was designed to stand microscopic examination. In what follows the main outlines of the story told by Sallust will be accepted, but no stress will be laid on minor points of geography and chronology: for these are just the points to which Sallust himself devoted no special care.

V. THE OUTBREAK OF THE JUGURTHINE WAR

The story of the relations between Rome and the kingdom of Eastern Numidia has for the most part been told already (vol. VIII, pp. 471 *sqq.*). Selfish as Roman policy had often been, the common hostility towards Carthage by which both powers were moved had preserved an unbroken friendship between Rome and Masinissa from 204 B.C. until the death of the king at the age of ninety in 148. To the Numidians this friendship had by no means been without profit. Though the country was a Roman protectorate, its boundaries had been so generously extended as to make it one of the largest states in the contemporary world. After the capture of Syphax, Masinissa had been given western Numidia as an addition to his own dominions, and before his death his realm stretched from Mauretania in the west to the borders of Cyrene in the east. Such was the happy situation when, within the space of three years, two dangerous events occurred. In 148 B.C. the passing of Masinissa removed a staunch friend of Rome from the control of Numidian affairs, and two years later the destruction of Carthage finally banished the fears which, since the end of the third century, had driven Numidia consistently to seek the support of her Italian ally.

For the moment, however, peaceful relations were maintained. The heritage of Masinissa was divided by Scipio Aemilianus between the three legitimate sons of the dead king—Micipsa, Gulussa and Mastanabal; and when, soon afterwards, the deaths of Gulussa and Mastanabal left Micipsa the sole heir to the kingdom of his father, Micipsa showed himself faithful to his father's policy towards Rome. After Mastanabal had died, Micipsa, who seems still to have been childless himself, gave shelter at his court to a son of Mastanabal named Jugurtha, whom Masinissa had refused to recognize as a prince of the blood because his mother was a concubine. Before long, however, Micipsa himself became the father of two sons—Adherbal and Hiempsal, a pair whom it was natural for Jugurtha to regard with the jealousy of a rival, and already by 134 B.C. Jugurtha had shown himself a man of such force and popularity that Micipsa placed him in command of the Numidian contingent sent to the siege of Numantia, hoping, according to Sallust, that he would leave his bones in Spain. But so far was this from being his fate that Jugurtha won the high esteem of Scipio, besides an intimate familiarity with Roman methods of warfare and a claim on the goodwill of Rome; and when he returned to Africa, he brought from the commander a letter of generous testimony to his merits. Thereafter, at a date which it is impossible to fix, for this or for some other reason Micipsa adopted Jugurtha as his son, and on his death about 118 B.C.[1] left him joint heir to the kingdom with Adherbal and Hiempsal. The interest aroused in Rome by this event may perhaps be seen in the visit to Africa of M. Porcius Cato, consul of 118 B.C., who died before his work there, whatever it may have been, was finished[2].

Bickerings began forthwith. Probably in 117 B.C.[3], even before the division of the kingdom had been arranged, Hiempsal was murdered at Jugurtha's instigation, and Numidia was immediately rent by faction: the majority remained loyal to Adherbal, but a strong party of the bolder spirits gathered round Jugurtha. Having sent a mission to Rome to report his brother's death, Adherbal offered armed resistance to Jugurtha when his own turn came to be attacked, but he was completely defeated at the opening of the campaign and followed his envoys to Italy as a fugitive. The time had now arrived when Jugurtha, for the moment undisputed master of Numidia, must consider the attitude of his suzerain; and accordingly he too dispatched an embassy to Rome, laden, it is said, with the bribes whose potency on the Roman nobility he had come to know at Numantia. Thus, in 116 B.C. or thereabouts, the Senate was called upon to mediate between the rival claimants to the Numidian throne. The merits of the case cannot have been easy to assess. Stories in flat contradiction were told by the contending sides, and the Senate had no means of testing their veracity, save perhaps by observing the flagrant bribery practised by the Jugurthine deputation. This open corruption led M. Aemilius Scaurus and a few others to uphold Adherbal's cause: but, so far as could be seen, both sides were alike in their devotion to Rome, and the Senate not unreasonably decided on a compromise. A commission of ten, led by the notorious L. Opimius, was sent to Africa with instructions to divide Numidia between the cousins; and in the end, after negotiations in which bribes are again alleged to have played their part, Jugurtha received the east and Adherbal the west, with Cirta as his capital.

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[1] Livy, *Epit.* 62.

[2] Gellius, *N.A.* XIII, 20(19), 9–10. See, however, S. Gsell, *Histoire ancienne de l'Afrique du Nord* VII, p. 65 *sq.*

[3] Livy, *Epit.* 62.

Such was the settlement of 116 B.C. The chronology of the following events is lost beyond hope of recovery. Before long the restless Jugurtha sought to provoke a war with Adherbal by making a sudden raid on his territory, and, when this produced no more than a diplomatic protest, it was followed by a full-dress invasion. Adherbal was now forced to resist; but his army was routed in a night attack on its camp between Cirta and the sea, and Cirta itself would have fallen immediately had not Adherbal escaped to the city and organized the resident Italian traders for its defence. Meanwhile, as soon as news arrived that fighting had been renewed, the Senate had sent a deputation of three young men to demand a cessation of hostilities; but the mission, though it was courteously received by Jugurtha, was denied access to Adherbal and returned to Italy with nothing done. Next came a letter, smuggled through the enemy lines at Cirta, in which Adherbal implored the Senate to take immediate action for his relief, and by this appeal opinion in Rome was so far stirred that, in spite of the activity of Jugurtha's partisans, a new embassy, in which Scaurus himself had a place, was on its way to Africa within three days. Having delivered an unsuccessful assault on Cirta, Jugurtha tightened the siege and then obeyed the summons of the ambassadors to meet them in the Roman province: but much talk again produced no result, and the Romans returned to Italy while Jugurtha settled his account with Adherbal. After the lamentable weakness which the Senate had displayed, Adherbal was at the mercy of his enemy, and by opening the gates of Cirta at the instance of the Italians, who had been the backbone of the defence, at most he anticipated an inevitable fate. That Adherbal was done to death without delay is no matter for surprise; but it was a startling sign of Jugurtha's contempt for Rome that, besides the native garrison, he slaughtered all those Italians who had fought against him[1].

When the news of these events reached Rome during the latter part of the summer of 112 B.C., any danger that the friends of Jugurtha in high places would induce the Senate to condone their patron's behaviour was averted by the energetic action of one Gaius Memmius, who had already been elected tribune for the following year. Whether of its own free will or through fear of the popular indignation to which Memmius gave voice, the Senate made Italy and Numidia the provinces for the consuls of 111 B.C.; and, after P. Scipio Nasica and L. Calpurnius Bestia had been elected, Numidia fell by lot to the latter. Bestia, the tribune of 121 B.C. (see above, p. 93), was an able man whose gifts were ruined by his venality: Scipio, a person of outstanding honesty and attractive character, died before his consulship was done. The government was now filled with determination. When an embassy from Jugurtha approached, it was expelled from Italy: an expeditionary force was recruited, Bestia formed a staff which included Scaurus, and in 111 B.C. the army opened operations in Africa. But then there followed a surprising change. Bestia had penetrated no more than the fringe of Numidian territory when negotiations were suddenly begun; and, before the summer was over, Jugurtha had contrived to purchase recognition by the surrender of thirty elephants, large numbers of cattle and horses and a small sum of money.

The reason for Bestia's agreement to these easy terms Sallust is quick to supply by suggestions of the familiar bribes, and there is no good reason to doubt that Bestia at least had been influenced thereby: but the further allegation that Scaurus was likewise involved is by no means invulnerable to criticism[1]. Yet there was something to be said for the accommodation: a war of unknown difficulty had been avoided, and peace was restored by an agreement which tacitly acknowledged Numidian dependence on Rome. In Italy, however, public opinion was roused. Memmius was indefatigable in his protests, and the agitation gathered strength until L. Cassius Longinus, one of the praetors of the year, was commissioned to fetch Jugurtha to Rome in order that he might reveal the names of those he had corrupted. Under safe-conduct he duly came; but, when Memmius in the presence of the expectant People asked him the solemn question about his tools, another tribune, C. Baebius, ordered him to hold his peace. Thus for the moment the king had got the better of his enemies.

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[1] The doubts cast on Sallust's version (*Bell. Jug.* 26, 3) of this incident by Ihne (*History of Rome*, vol. v, p. 21, n. 1), and in particular Ihne's deductions from *Bell. Jug.* 47, 1 (*ib.* p. 43, n. 1), are to the present writer wholly unconvincing.

Yet Jugurtha, a potentate whose energy outran his wisdom, was not to leave Italy without damage to his cause. The slaughter of the Italians in Cirta had been foolish, and now another error of the same kind was to come. There was in Rome a certain Massiva, son of Gulussa and cousin of Jugurtha, whom Spurius Albinus, one of the consuls for 110 B.C., had induced to claim the Numidian kingdom for himself. So seriously did Jugurtha regard this rival that he instructed a member of his suite, Bomilcar by name, to procure his immediate assassination: but the murder was bungled, the murderer was caught, and when he incriminated Bomilcar the responsibility of the king could no longer be concealed. Even so, however, the government took no energetic measures. Bomilcar, for whose appearance in court Jugurtha had found bail, quietly went home to Africa, and soon afterwards his master followed. Five years later he was to visit once again the 'city up for sale and destined soon to perish, if it finds a buyer'—this time as a prisoner; for even at Rome there were some things beyond the power of gold.

Rome at length meant business, and meant it so seriously that she was committed to a bitter struggle in circumstances of which the difficulties were perhaps even yet not fully known. The military strength of Numidia lay, not in the coastal plain where most of its wealth was to be found, but in the broad and rugged plateau which rises to the south and stretches down to the desert beyond; and on these uplands, where the tangled hills offer obstacles made more serious by the heat of summer and the torrential rains of spring, Rome was to learn the weakness of her slow-moving legions before the light and mobile native levies. Rome had to acquire a new technique of war: in the end experience taught the lesson, but its cost was high. When the campaign was resumed in 110 B.C., the achievement was small. Before anything worth mention had been accomplished, the consul Spurius Albinus returned to Rome for the elections, which were long delayed by tribunician struggles (see above, p. 61), leaving in command his brother Aulus—a man whose abilities as a general were not equal to his thirst for glory. Probably in the autumn of 110 B.C. this jack-in-office attempted to capture the town of Suthul, where some of the Numidian treasure is said to have been stored, and after a battle which Orosius (v, 15, 6) locates at Calama—surprisingly far to the west—the Roman camp was stormed at night and terms were dictated by the enemy. The army was spared on conditions which, though Sallust's account may be exaggerated, included its withdrawal from Numidia within ten days.

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[1] On this question see in particular L. Bloch, 'M. Aemilius Scaurus: étude sur l'histoire des partis au VIIe siècle de Rome' in *Mélanges d'histoire ancienne*, pp. 44 *sqq.*

If the treaty made by Bestia in 111 B.C. had been unworthy, the capitulation of Albinus was an outrage and a disgrace: no section of opinion at Rome could accept this as the last word with Jugurtha. Accordingly, while the Senate enunciated the unimpeachable doctrine that no valid treaty could be made without its own consent and that of the Roman People, one of the tribunes, C. Mamilius Limetanus, renewed the precedent set up in the case of the peccant Vestals (see above, p. 97) and induced the Concilium Plebis to establish a court for the trial of all persons alleged to have prejudiced the interests of Rome in her relations with Jugurtha. When the members of the court came to be chosen, it was seen with some surprise that a seat on the bench had been given to Scaurus, whom Sallust at least regards as better qualified for the dock: but it must be admitted in making this particular choice the People, besides doing something to clear Scaurus of the aspersions cast by his political opponents, seems in no way to have impaired the honesty of the investigation. L. Opimius, Bestia, Sp. Albinus, C. Cato and C. Galba, the last of whom was one of the *pontifices*, were only the most prominent among the senatorial leaders on whom condemnation was pronounced; and the result of this exemplary visitation, however much its inception may have been due to popular hostility towards the Senate, was to make it clear beyond all possibility of doubt that those who offered their services against Jugurtha thereafter would compromise the interests of Rome, whether through incompetence or through love of gain, only at their own most grievous peril.

VI. THE CAMPAIGNS OF METELLUS

Meanwhile, provision was being made for the resumption of the war. Towards the end of 110 B.C., though the tribunes had prevented him from embarking reinforcements, Sp. Albinus had returned to Africa intent on retrieving the family reputation: but finding the army, now withdrawn to the Roman province in accordance with the conditions of his brother's treaty, in a state of utter demoralization, he remained inactive and awaited instructions from Rome. The consuls for 109 B.C. were M. Junius Silanus and Q. Caecilius Metellus, brother of Metellus Delmaticus and nephew of the great Metellus Macedonicus; and to the latter fell the Numidian command. As leader of the Roman forces against Jugurtha, Metellus enjoyed advantages which none of his predecessors could boast: not only was he a man of high ability, but his honesty was above suspicion and his influence with the Senate such as few but a Metellus could wield. At the outset his efforts to raise troops were backed by a suspension of obstructive laws[1], and the allies of Rome in Italy, besides friendly kings outside, were moved to swell the army with contingents of volunteers. Then, with C. Marius and P. Rutilius Rufus on his staff, Metellus set out for Africa, where his first business was to restore the morale of the troops which he took over from Albinus. The task of forming the army into an effective force was long, but it seems to have been completed soon enough for some use to be made of the summer of 109 B.C., even after more time had been spent in fruitless negotiations with an embassy from Jugurtha.

The short campaign of this year presents geographical problems whose difficulty is so much greater than their importance that it will be enough merely to indicate their nature. Starting from the Roman province, Metellus began a drive westwards into Numidia, and, after a digression to occupy the thriving commercial town of Vaga, he met Jugurtha in battle on a river which Sallust calls the Muthul. The identification of this Muthul, which is mentioned nowhere else in literature, is hard; but the serious possibilities are only two. If the Romans were moving along the normal route up the valley of the Bagradas, Sallust's description of the Muthul is best satisfied by the Oued Mellag, which flows into the Bagradas from the south-west just east of Bulla Regia[2]. If, on the other hand, Metellus struck towards Hippo Regius, a town which would have served as an admirable base for operations against Cirta and its neighbourhood, the Muthul may be recognized in the Oued Bou Namoussa and the battle may be placed near the modern town of Combe[1]. On this Muthul, wherever it may have been, the rival armies fought a long-drawn encounter ending in a definite but wholly indecisive Roman victory. Jugurtha himself was still at large; though one army had been broken up, he was free to raise another; and, worst of all, experience had shown that no amount of successes like that on the Muthul would bring the war to an end, unless by chance Jugurtha was captured or killed in action. For that reason the most important outcome of the conflict may be seen in the change which it wrought in the Roman strategy. Instead of seeking pitched battle again, Metellus essayed to deprive the king of his *points d'appui* and to shake the allegiance of the civilian population by capturing the inhabited centres, of which some were destroyed and others occupied by garrisons. To this end it was necessary to split the army into flying columns, which soon, as a precaution against the sudden raids of the Numidians, were formed into two groups under the charge of Metellus and Marius. Operations of this kind, which probably extended into the winter of 109–8 B.C., were conducted in the region east of the Oued Mellag, and before Metellus led his troops back into the province for the rainy season, though the Romans had occupied Sicca, Jugurtha had the satisfaction of forestalling their attempt to capture the more important city of Zama (Regia). Thereafter Metellus withdrew the bulk of his forces behind the frontier, leaving detachments in such of the places gained as were capable of defence.

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[1] Cicero, *pro Corn.* ap. Ascon. p. 68 c.

[2] Ch. Saumagne in 'Le champ de bataille du Muthul' (*Revue tunisienne*, N.S. I, 1930, pp. 3 *sqq.*) would place the battle on the east bank of the Oued Tessa—a stream to the east of the Oued Mellag: but, whichever of these rivers is the Muthul, the direction of Metellus' march is in effect the same.

During the idle period when the armies were in winter quarters Metellus did not relax his efforts to end the war. By lavish promises he tried to induce the infamous Bomilcar to betray his master: but, though Jugurtha went so far in response to Bomilcar's plea for an immediate peace as to surrender a large quantity of money and material, he wisely refused to appear in person in the Roman camp; and finally, when the weather made fighting possible again, he renewed the war. By this time the command of Metellus had been prorogued for the year 108 B.C.

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[1] This view, which for the present writer has some attractions, is propounded by M. A. Levi, 'La battaglia del Muthul,' in *Atene e Roma*, N.S. VI, 1925, pp. 188–203. It is, however, summarily rejected by Gsell (*op. cit.* VII, p. 191, n. 1), and in default of further investigation on the spot final judgment on the theory is perhaps best suspended.

The initial operations of the new campaign were determined by an event which had occurred during the course of the winter. On the Feast of the Cereres there had been a sudden rising at Vaga, where every man of the garrison and of the resident Italian population was massacred by the native inhabitants with the exception of the commander, T. Turpilius Silanus[1]. The first business, consequently, was to avenge this crime. Vaga was recovered and Turpilius, though a Latin, was put to death[2]. Next, after Jugurtha had detected a plot formed against his life by Bomilcar and one Nabdalsa, both of whom perished for their pains, the two armies came into contact: Jugurtha was again defeated and fled to a place called Thala, the site of which cannot be located with confidence. Thither Metellus pursued, though the city lay fifty miles from the nearest river which could be used for a regular supply of water, and at his approach Jugurtha immediately decamped. But Thala was an important city, which contained one of the king's many stores of wealth, and its capture seemed worth while even though the greatest prize of all had flown. Accordingly Metellus undertook a siege, which after forty days—a number which in Sallust should not be taken literally—delivered the town into his hands.

Such is Sallust's meagre account of the campaign of 108 B.C., and the account is certainly incomplete. When Jugurtha escaped from Thala, at a time which was probably still in the spring, he broke off contact with Metellus and was engaged on business of his own which cannot have taken less than several months. First he went south to the Gaetulian country where he raised and trained another army, and after that, like Abd-el-Kader at the corresponding period of his history, he turned for aid to people of Mauretania. Bocchus, the king of that region, had married one of his daughters to Jugurtha, but in spite of this bond his intentions were not wholly friendly. Undoubtedly he yearned to extend his own realm eastwards at the expense of Numidia, and it can only have been the fear that, if Jugurtha's power collapsed, he might find in the Romans a neighbour still more dangerous that induced Bocchus to lend ear to proposals for a military alliance. At length, however, an agreement was reached and the two monarchs advanced together towards Cirta, where they found Metellus[1]. But still the decisive engagement was postponed: for his own good reasons the Roman commander refused a battle and contented himself with an attempt to dissuade Bocchus from committing himself irrevocably to the Numidian cause.

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[1] A brilliant interpretation of Sallust, *Bell. Jug.* 66, 2 is given by J. Carcopino in 'Salluste, le culte des *Cereres* et les Numides,' *Rev. hist.* 158, 1928, pp. 1 *sqq.*

[2] Sallust, *Bell. Jug.* 69, 4. On this see H. Stuart Jones in *Eng. Hist. Rev.* XXVIII, 1913, p. 142. It must be remembered, however, that the reading 'civis ex Latio' is so badly attested as to be little better than a conjecture.

VII. THE CAMPAIGNS OF MARIUS

Jugurtha, by now deprived of eastern and central Numidia, was an enemy whose final subjugation seemed only a matter of time; but energetic action was still required, and the explanation of Metellus' inactivity was purely personal. By prolonged pressure on his commander, Gaius Marius had at length secured leave to return to Rome in 108 B.C. and present himself as a candidate at the consular elections for the following year. Once he was in the field, his cause enjoyed an ominous popularity. The ground, indeed, had been prepared; for Marius, with a skill which would have done credit to the old nobility whose political craft he contemptuously disclaimed, had ranged public opinion on his side while he was still in Africa. Reports had been sedulously sent home to the effect that, through love of glory or ignorance of war, Metellus was needlessly protracting the campaign, and these announcements had their intended effect. The commercial class whose first desire was to see Numidia re-opened to Roman trade, the more substantial citizens whose liability to recruitment filled them with dislike for long-drawn wars, and men of insight from whatever quarter who appreciated the danger which now threatened Rome from the North, must all alike have listened with attention to the words of an experienced soldier who had boasted that with half the army of Metellus and a free hand he would have Jugurtha a prisoner within a few days. Accordingly Marius was elected, and shortly afterwards, as a result of popular interference with the arrangement of provincial commands already made[1]—an interference of great significance, which portends the action of the People for the benefit of Pompey and of Caesar—he was appointed to succeed Metellus in Africa.

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[1] The failure of Sallust to explain how the Romans came to be far to the west of the scene wherein their recent activities had been laid and how they gained possession of Cirta, the citadel of Numidia and one of the strongest positions in the world, is perhaps the gravest of his many omissions. It is the necessity for finding time wherein this extensive operation may be placed which leads the present writer to identify the winter mentioned by Sallust in *Bell. Jug.* 61, 2, with that of 109–8 B.C., so that the attack on Zama belongs to the late campaigning season of 109 B.C. and the following year is left free for the capture of Thala, with its preliminaries, and for a subsequent advance on Cirta.

In the coming conflict with Jugurtha the new commander did not propose to rely on skill alone. He soon revealed that, brief as the necessary campaign might be, its success after all would depend on reinforcements. Once his command had been assured, he set about the business of recruitment forthwith. All the sources drawn on by Metellus two years earlier—Latins, Italian allies and client states—were tapped again: but this time there was an innovation of the gravest moment. When Marius opened the ranks to citizens of whatever wealth, without regard to the classes of the centuriate organization, he was taking an unprecedented course which gave him an army not only larger than had been proposed but—so far as the Roman element was concerned—mainly composed of *capite censi* (see further below, pp. 133 *sqq.*). Munitions had been sent ahead under a *legatus*; and, when Marius followed, P. Rutilius in the name of Metellus handed over the command at Utica, while Metellus himself returned to Rome by another route to receive a well-merited triumph and the surname of Numidicus.

At the advent of the new commander, Jugurtha and Bocchus had separated, and Marius, after training his army in a series of attacks on ill-defended townships, was free to develop his plans along the lines of his own choosing. At first there were battles, and when these neither brought nor promised any decisive result Marius passed on to a policy singularly like that which Metellus had followed after the fight on the Muthul. If any difference is to be discerned between the methods ascribed to Metellus in *Bell. Jug.* 54, 5–6 and those of Marius as set forth in *Bell. Jug.* 88, 4, the difference at most is that, whereas Metellus directed his energies rather to terrifying the native population into passivity, Marius concentrated on the capture of all such places as might provide Jugurtha with a base. But both alike planted garrisons about the country; and, if those of Marius were more numerous than his predecessor's, their number is probably to be explained by the larger forces which Marius had at his disposal. It is to be noticed, however, that the narrative of Sallust in no way suggests that it was in order to make possible a more extensive system of occupation that the Roman army had been strengthened.

The incident in the campaign of 107 B.C. which Sallust has chosen to narrate is one which throws lamentably little light on the intentions of the general. He had been unable to take the field until the summer was advanced, and the skirmishes with Jugurtha had doubtless occupied some weeks. Thus, if his consulship was not to belie the hopes which it had raised, there was undoubted need for energetic action to impress public opinion at home and also, perhaps, to maintain the prestige of Roman arms among the Numidian population. He therefore decided to deliver an attack on Capsa—a town so far to the south that its only relevance to the war can have been its nearness to the Gaetulian allies of Jugurtha. Capsa was duly sacked, the spirits of the troops rose even higher than before, and the first consulship of Marius had one achievement to its credit.

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[1] The details of this incident are lost through the uncertainty of Sallust's text in the relevant passage (*Bell. Jug.* 73, 7).

When Capsa had been destroyed, Marius developed a general attack on the enemy strongholds throughout Numidia. This may well have continued during the winter of 107–6 B.C., even though Sallust's failure to mention winter-quarters is no cogent reason for denying a temporary suspension of hostilities. But it seems clear that by the spring of 106 B.C. the last hopes of resistance had been destroyed over all that region which lay between the frontier of the Roman province and a line running north and south somewhere to the west of Cirta. It now remained to deal with western Numidia—Jugurtha's original domain—and to end whatever danger may have existed that Bocchus and the Mauretanians would supply Jugurtha with the forces which his own territories could no longer provide. In the narrative of Sallust Marius next appears—we may assume with his *imperium* now prorogued—before a fortified position near the river Muluccha, which flowed about five hundred miles west of Cirta and divided the kingdom of Numidia from the realm of Bocchus. The attack on this stronghold and the happy accident by which the search for snails led a Ligurian to find a means of entry derive no special claim to mention from the fact that this incident alone in the whole campaign has been chosen by Sallust for record. Sallust's story deserves notice solely as a clue to the nature of the operations on which Marius was engaged in 106 B.C.—a long westward thrust designed at once to drive Jugurtha out of that part of his dominions which had not been denied him already and also to show the power of Rome on the frontiers of Mauretania.

The attempt, however, to awe Bocchus into neutrality was not a complete success. Jugurtha, whose cause was lost if he was to depend on his own resources alone, made offers to cede a third of Numidia in return for Mauretanian aid, and by this bribe Bocchus was finally persuaded. In face of this new danger Marius was strengthened by the arrival of reinforcements for his cavalry, and with them of a leader cast for an outstanding rôle. L. Cornelius Sulla, quaestor in 107 B.C., had been left in Italy to raise these mounted troops, and this contingent joined the army in Africa at some time during the western expedition[1]. After their demonstration the Romans were retiring eastwards to winter on the coast, where supplies could more easily be had, when news arrived of an event—possibly of two events—whose significance was grave. According to a story preserved by the Livian tradition[2], though to Sallust it is unknown, at about this time Cirta was temporarily lost: if this be true, the urgent necessity of recovering what was a nodal point on the Roman line of communications may have hastened the retreat of Marius and determined the direction of his march. In the narrative of Sallust the operations on the borders of Mauretania are directly followed by fighting in a region less than a hundred miles west of Cirta. Late one evening, while he was on his way, Marius was attacked by the army of the allied kings. After an even battle, he contrived to reach two neighbouring hills which gave his men protection for the night; and next morning, when the battle was renewed, a Roman victory was won. The march was then continued with every precaution against surprise, and on the third day, not far from Cirta itself, contact with the enemy was made again. The battle which followed was long and hard, but it ended with a result so decisive that the serious fighting of the war was over and Cirta—if it had ever been lost—was delivered to the Romans without resistance.

Four days later an embassy arrived from Bocchus. Marius himself seems to have concentrated on military business and in particular on preparations for an expedition to the south: the conduct of diplomatic affairs was left to A. Manlius and Sulla, of whom the latter had greatly distinguished himself in the recent fighting. The negotiations were protracted until Marius had returned from his southward drive; but in the end Bocchus sent a second mission with the request that it might be given access to the government in Rome, and, after a conference to which every senator within reach was summoned, permission for the journey was forthcoming. At Rome the deputation received a dexterous reply: Bocchus might be granted pardon in the end, but first he would have to earn it. So back went the envoys to their king, whose relief at the hope of peace gave his policy a new determination. He asked for the presence of Sulla at his court, and thither Sulla made his way after a journey of many perils, among which was a march through the camp of Jugurtha himself. At first the king claimed peace in return for no more than promises of friendship; but, when Sulla insisted that deeds, not words, were what Rome demanded, with much reluctance he consented to a plot whereby Jugurtha should be betrayed. Jugurtha was duly made a prisoner, and thus, at some time in 105 B.C., by treachery and the help of an ally, Rome emerged triumphant from a struggle which had threatened, so long as she depended on her own strength alone, to lead to the establishment of a permanent military occupation of Numidia. The end of the war was timely. On 6 October in this same year the defeat of two Roman armies in Gaul opened the crisis of the Teutonic invasion (see below, p. 144). The European frontier needed above all a general of ability, and such a one Africa could now provide; for, though the final capture of Jugurtha was mainly due to the diplomacy of Sulla, public opinion gave all the credit to Marius, the commander. Before his return from Africa Marius was elected consul for 104 B.C., and his second year of office was opened on 1 January with a triumph, wherein the chief prize—Jugurtha—was shown once more to the gaze of the Roman mob. Thereafter he perished in the Tullianum.

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[1] The suggestion of Sallust (*Bell. Jug.* 95, 1) that Sulla did not come up with Marius until the Muluccha had already been reached is probably due to Sallust's carelessness in fitting information from Sulla's *Memoirs* into the narrative of his basic authority: if so, it need not be taken seriously.

[2] Dio, frag. 89, 5: Orosius v, 15, 10.

Little need be said of the issue which still was debated at Rome when the Jugurthine War had long ceased to be contemporary history. The achievements of Metellus and Sulla were set against those of Marius, and praise or blame was distributed with the strictest loyalty to party. The nobility was right in its contention that Metellus had done more than half the work and that the final success was due as much to the diplomatic dexterity of Sulla as to the military operations of his commander. Yet, though it was absurd for them to say that Marius had converted utter failure into victory immediate and complete, the *populares* might with justice reply that the betrayal of Jugurtha by Bocchus was far from inevitable and was, indeed, the result of Marius' victories in the field. If Numidia had not been denied him, Jugurtha would not have been thrown back on Bocchus; and if Bocchus had not learnt in battle that Rome was no power to be wantonly antagonized, Jugurtha would never have been betrayed.

It is of more value, however, to consider the settlement which Rome adopted. Of a desire to annex she showed no sign: it is certain that the frontier of the Roman province was not seriously advanced, and it is highly doubtful whether the line was altered even by minor rectifications[1]. Rome was content with a considerable amount of booty and the assurance that among the powers of North Africa, over all of whom her suzerainty was now established, none would be found to claim the inheritance of Carthage. Though Marius may have settled a few Gaetulians on Numidian territory just beyond the Roman frontier[2], and though Leptis Magna had thrown off its allegiance to Jugurtha during the war, eastern Numidia suffered no encroachment by Rome; and this region duly received as its king one Gauda—a son of Mastanabal and half-brother of Jugurtha—who had been named as a secondary heir by Micipsa in his will. Gauda thus controlled at least that part of Numidia which had been awarded to Adherbal in 116 B.C. (see above, p. 118), and with it Cirta, the capital. Between this kingdom and the boundaries of Mauretania it is possible that an independent State was formed in western Numidia, to include some part at least of the district assigned to Jugurtha by L. Opimius and his colleagues[3]. But this creation, if it belongs to so early a date at all, was small, sandwiched between the powers of Gauda to the east and Bocchus to the west. Bocchus was the one party to the affair who emerged with profit. Not only did he become a Friend and Ally of the Roman People, but his kingdom was enlarged at the expense of Numidia. The line of his new frontier to the east cannot, indeed, be determined; but there is no doubt that Rome honoured an undertaking given by Sulla during the course of the negotiations that, if Bocchus proved his loyalty to Rome, he would be granted the whole of the region lately offered him by Jugurtha—a region which is described as a third of all Numidia. Thus, under the general superintendence of Rome, the native powers were left to control North Africa as before, and Rome herself, content with the existing province, withdrew from the country to the west with a memorable lesson on the dangers of meddling in dynastic struggles and the knowledge that Numidia, at least, was safe for the traders of Italy.

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[1] For this possibility see T. Frank, in *Am. Journ. of Phil.* XLVII, 1926, pp. 56 *sqq.*, and on the other side S. Gsell, *op. cit.* VII, p. 9 *sq.*

[2] See S. Gsell, *loc. cit.*

[3] See S. Gsell, *op. cit.* VII, p. 263.

VIII. THE SIGNIFICANCE OF THE JUGURTHINE WAR

Trade in Numidia recalls the unhappy Italians slaughtered by Jugurtha when Cirta was surrendered by Adherbal (see above, p. 119), and the presence of these aliens in the Numidian capital raises the first of those problems which give the struggle an importance in Roman history far exceeding any which can be claimed for the military operations alone. That Rome, at a time when serious danger was threatening on her European frontier, should embark on a war in the most difficult country merely to settle the domestic differences of the Numidian royal house, that she should refuse an opportunity to withdraw, if not with glory, at least without disgrace, and that she should finally entangle herself so deep in this undertaking as to prejudice her ability to deal with the graver menace of the North—all these are matters which excite surprise and call for explanation. At the outset it must be remembered that nothing could stir Rome to more unreasoning fear than the prospect of a great power established in North Africa. After almost a century, the horrors of the Hannibalic War were still undimmed, and such was Rome's determination to avoid all further peril from the South that it may well have been in order to prevent Carthage falling into Masinissa's hands that the city was destroyed in 146 B.C. and its territory turned into a Roman province. With an outlook such as this, Rome might naturally act with energy when the kingdom of Numidia—an area of enormous extent and great potential wealth—fell into the hands of a king whose variable attitude towards Rome bordered, in its less gracious moments, on the contumacious. Yet, for all his indiscretions, Jugurtha did not want war: there is every reason to believe that he not only sought but needed the peace made with Bestia in 111 B.C., and nothing justifies the suspicion that, if its terms had been accepted by Rome, they would have been broken by the king. The policy of Jugurtha is plain. Having coveted the Numidian throne he won it; and then, when he desired nothing more than to be left in the enjoyment of his gains, he was prepared to pay a reasonable price for peace.

It was Rome who insisted on war to the end, and the reason for this insistence is to seek. Jugurtha, even before the murder of Massiva, had certainly behaved in a way which suspicious minds might interpret to imply a deep hostility: but he had done nothing which any rational judgment could interpret as evidence of a determination to challenge the Roman power or even to molest the province in Africa. Nevertheless Rome was set on his complete destruction. Whatever the reason for this may have been, it was not a lust for annexation: when the war had been brought to its victorious end, the meagre Roman territory in Africa remained almost exactly what it had been before. The course of events at the beginning of the affair makes it clear that Rome was not bent on war from the start: as usually happened, she suddenly discovered that a series of diplomatic exchanges had committed her to military operations which at the outset had not been envisaged at all. But, though so much may be freely admitted, it is less easy to divine the reason why, after a certain point had been reached, the government refused every opportunity to withdraw from the struggle until Jugurtha had been either killed or captured. The explanation suggested by the narrative of Sallust is that, when the prestige of Rome had been compromised by the incompetence of Bestia and the Albini, the masses took the bit between their teeth and insisted on the prosecution of the struggle until the supremacy of Rome had been vindicated beyond all dispute. In this there is doubtless truth, but it is perhaps permissible to suspect that Sallust, in his anxiety to uphold the wisdom of the Concilium Plebis and the tribunes, has given undue prominence to a factor which was not alone in guiding Roman policy. Numidia was a country still waiting for development. The agricultural policy of Masinissa[1] can scarcely have been carried to completion at so early a date as this, and there must have been many regions whose conversion from pasturage to arable cultivation only awaited the capital which was needed for their equipment. Moreover, the country was rich in timber of the choicer kinds; and, though their development is barely recorded before Roman times, the mines and marble quarries of Numidia subsequently became an important element in the resources of the imperial age[2]. Such considerations as these are enough to show that there is no matter for surprise in Sallust's story of the Italian traders who fought for Adherbal at Cirta; and, if Numidia had already attracted the notice of Italian commerce, it is not impossible that the commercial interests of Rome did something to uphold the hands of those who were resolved to see the war through to an end of a kind which, besides restoring the shattered reputation of Roman arms, would have the very valuable advantage of making Numidia a land wherein Italians might move freely for the conduct of their business, whatever that business might be. Apart from the destruction of Carthage and Corinth and the foundation of Gracchan colonies, the affairs of the Balearic Islands (p. 152 *sq.*) and of Narbo Martius (p. 112 *sq.*) are perhaps enough to suggest the hand of the trader. If so, it is at least conceivable that commercialism played a part, not perhaps in originating, but at least in strengthening the policy pursued by Rome during the Jugurthine War[1].

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[1] Polybius XXXVI, 16, 7–8.

[2] For a general account of the economic possibilities of Numidia in the second century B.C. see S. Gsell, *op. cit.*, V, pp. 169–212.

Significant as may be the appearance of a commercial factor in the direction of Rome's affairs, its significance is overshadowed by that of another change which belongs to this period—a change which determined the nature of Roman history throughout the remaining years of the Republic. The innovation made by Marius in the recruitment of the legions probably did more than any other single factor to make possible that series of civil wars which only ended with the establishment of the Principate. Yet, grave as its results turned out to be, the work of Marius has often been exaggerated; and, if its author is to be fairly judged, it will be necessary to appreciate the seeming slightness of the reform from which such tremendous consequences flowed.

The Roman army which Marius found was still in theory what it had always been—a force of which the main strength was supplied by a citizen-militia enrolled in the legions. In its military organization, as in its system of civil administration, the State practised the strictest economy in the matter of a permanent establishment. When war was imminent, citizens were summoned to the colours and, though some concessions on this point were made in course of time (see above, p. 62 *sq.*), they were expected to supply their own equipment: when peace was restored, the army was disbanded, and it was assumed that the troops would return to their homes without any pension or gratuity beyond such share of the booty as had come their way. Thus Rome essayed to run her army without a War Office; but the simplicity of the system was purchased at a price. Apart from any doctrinaire theories which might suggest that the burden of military service most justly fell on those who had property for whose protection they could fight, the assumption that the troops should provide their own armament meant that service had to be confined to citizens of sufficient wealth to meet the inevitable expenses. The result was the system whereby liability to recruitment normally bore on none but those who were in one of the five *classes* of the centuriate organization, whereas the so-called *proletarii* or *capite censi*—citizens whose wealth was less than the minimum required for the lowest of the five *classes*—remained exempt. The most serious of its defects—the fact that it demanded military service, for periods which now were often long, from citizens of substance who could least well be spared from civil life, while the poor, who contributed little or nothing to the economic welfare of the State, were left at home—had been mitigated to some extent by successive reductions in the minimum census required for inclusion in the fifth of the *classes*. Indeed, Gaius Gracchus had been impelled by the poverty of at least some of the recruits to make arrangements for the supply of their equipment at the public cost. But, in spite of this, the system as a whole remained the same, in practice as well as in theory. Property was still a qualification; the levy was still compulsory; and, though the wealthiest families of all might contrive to get exemption for their members in one way or another, the legions still contained men of substance, even when some of their poorer brethren had been admitted as well.

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[1] The writer must here acknowledge his debt to a lecture delivered in London on 23 June 1925 by G. De Sanctis, recently published as 'Sallustio e la guerra di Giugurta' in *Problemi di storia antica* (pp. 187 *sqq.*).

It was over the more prosperous legionaries that difficulties arose. Their prosperity meant that they had some means of livelihood in civil life, and the existence of such ties with home made them anxious, not for campaigns of indefinite duration, but for demobilization at the earliest possible moment. Hence, though Roman patriotism did not fail when the dangers of the State were prolonged, there arose those agitations for discharge which are recorded from time to time during the second century[1], and which may even have lent strength to the claims of Marius during his canvass for the consulship in 108 B.C.[2] Such was the situation when Marius threw open the legions to volunteers and abandoned all inquiries about the census of the recruits[3]. In appearance the innovation was not great. On rare occasions already the government had adopted something like a voluntary system[4], and when Marius enlisted *proletarii* as such he only completed the process begun by the recent reductions in the minimum qualification for inclusion in the *classes*. Nevertheless the result was enormous, and for this reason—that the system of recruitment was now in practice voluntary and that the supply of volunteers was so large that there was no need to fall back on the latent power of compulsion. Thus the legions, which in the past had contained at least a leaven of citizens whose prosperity meant that they and their families had a means of livelihood at home to which they were naturally anxious to return, were now composed entirely of men who had enlisted because, to them, the army held out greater attractions than civil life. In the past the soldiers of substance had regarded military service as a tiresome interruption in their work at home, to be ended with the least possible delay: now the army was composed of men to whom military service was the occupation of their choice, to be protracted as long as possible. The great and vital change which Marius introduced was, not to admit the *proletarii* (for that had been done in all but name before), but to rid the legions of that element which demanded—with an insistence, because of its wealth, not lightly to be disregarded—demobilization at the earliest opportunity. Henceforward the legions were prepared to serve as long as an excuse for service could be found.

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[1] See Livy XXXIV, 56, 9; XL, 35, 11.

[2] Sallust, *Bell. Jug.* 65, 4.

[3] Sallust, *Bell. Jug.* 86, 2.

[4] Livy XXVIII, 45, 13; XXXI, 14, 1–2; Appian, *Iber.* 84.

Such was the greatest of the Marian reforms: but it is important to remember its limitations. Though, as will be seen, its effect was to give the army a place of unprecedented power in the political life of Rome, the theory of the military system remained what it had been hitherto. Armies were still recruited for this war or that: there were as yet no permanent camps in which legions might be quartered when not on active service. Recruits still enlisted for service in some particular series of operations, and when these operations were over they might expect to be disbanded. Rome was still in theory without a standing army: if the armies were chronic, the reason for that was simply that during the remainder of Republican history wars were continuous. Nor was there any change in the period of service. According to the Roman practice, liability for legionary duty was confined at ordinary times to the *iuniores*—citizens between the ages of seventeen and forty-six; but if, owing to the warlike nature of the times, it happened that a man had served in the field for more than a certain number of years (which need not necessarily have been continuous) before reaching his forty-sixth birthday, he was allowed forthwith to regard himself as a *senior* and to enjoy the exemption from further fighting in the field which that status implied. The number of campaigns required to earn this exemption seems to have varied. The figure given in the text of Polybius[1] is corrupt, but there can be no doubt the *legitima stipendia* were normally more than the six which were accepted as enough in 140 B.C.[2], when the Roman army in Spain was in a state of such exceptional discontent and insubordination that it had to be humoured by special concessions: during the twenties of the second century ten years seem to have sufficed[3]. The precise number of campaigns which entitled to discharge during the period between Marius and Augustus is unimportant and cannot be determined with certainty, though it is clear that some such limit was recognized. For instance, in 68 B.C. steps were taken to discharge those of Lucullus' troops who had, apparently, been recruited in 86. The point, however, which calls for all possible emphasis is that, whereas in the days before Marius it was the troops themselves who demanded the discharge to which they were entitled, after recruitment had become wholly voluntary the release of time-expired men is an issue only raised by the political enemies of the *imperator* concerned. Though it must be admitted that Lucullus was no great favourite with his troops, the true attitude of the legions in Asia whose discharge was ordered from Rome in 68 B.C. and among whom Publius Clodius had been engaged in fomenting discontent upon the spot is revealed by the fact that, having been once, if not twice, demobilized on the ground that their *legitima stipendia* had been served, they nevertheless took the first opportunity of enlisting again under Pompey[1]. So too the supposed grievances of such soldiers in Caesar's army as were entitled to discharge would never have been canvassed in 51 B.C. had not their exploitation suited the political convenience of his opponents[2].

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[1] VI, 19, 2.

[2] Appian, *Iber.* 78.

[3] Plutarch, *Gracchi*, 23, 4.

Thus the effect of the change in the method of recruitment was to constitute the legions of men who made soldiering a profession and whose natural reluctance to lose their livelihood left them indifferent to the nature of the cause in which they fought. When the war for which they were recruited was ended, it was all to the good if their general found some other excuse for keeping his army together, and it mattered nothing to the troops if the excuse was no more than a selfish and treasonable struggle for the general's own political advancement. But it was not merely gratitude for continued employment or devotion bred of long companionship in arms that united the legionaries to their commander by a bond which the claims of patriotic duty could not sever. There was a very special reason which impelled the troops to stick to their leader even though he proposed to use them, no longer in the interests of the State, but in his own. When men make the army a profession, they cut themselves off from civil life; and, if it is their good fortune to survive till the age when they are too old for further active service, they may reasonably expect some provision to be made for their declining years. The long and continuous service rendered by the legionaries after the time of Marius demanded a system of pensions as its reward, and such a system did not yet exist. To meet the need nothing more than an haphazard expedient was devised: when an army was to be demobilized, a *lex agraria* was passed to provide the veterans with allotments of land. But to secure the passage of such a bill, as was revealed most clearly by the experience of Pompey in 60 B.C., all the influence of the *imperator* himself—and more—was needed: if the veterans were not to be cast destitute upon the street, they must follow their commander to the bitter end. Such was the most potent cause of the tie which united generals to their armies during the last decades of the Republic; and the union was one of most disastrous consequences to Rome. Indeed, it made possible the civil wars. Before many years had passed it became one of the most urgent problems facing Roman statesmanship to break the tie between commanders and their men, and to leave the Senate and Roman People the sole claimants on the allegiance of the army. The solution was long in coming. Sulla sought it in vain, and it was left for the genius of Augustus, by instituting the *aerarium militare*, to make the State itself responsible for pensions in a way which rendered it unnecessary for the troops to pin their hopes on any individual.

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[1] Dio XXXVI, 16, 3.

[2] Cicero, *ad fam.* VIII, 8, 7.

Such were the far-reaching consequences of filling the legions by voluntary recruitment and so forming an army of professional soldiers. The remaining military reforms ascribed to Marius will appropriately receive such notice as they deserve in connection with the history of the Germanic invasions (p. 146 *sq.*). But there still remains one feature of the Jugurthine War which calls for particular attention—the career of Marius himself. In the concluding age of the Roman Republic Marius was regarded as their greatest hero by that section of the political world which passed under the name of *populares*, and it was undoubtedly to glorify the patron of the cause for which the *populares* stood that Sallust wrote the *Bellum Jugurthinum*.

The *populares* are often loosely described in modern times as democrats, but this is both unjustified and misleading: indeed, it is the presence of a genuinely democratic element in their programmes which makes it impossible to call the Gracchi *populares* in the ordinary sense of the term[1]. The great *populares* of Rome—Marius, Cicero in his earlier days, Caesar and, to some extent, Augustus himself—were as oligarchical as their Optimate opponents, and the name *populares* describes at most an incidental feature of their activities. They were violent opponents of the class which formed the vast majority in the Senate, and during their struggle with that most powerful institution they needed the help of every ally they could find. It was natural that they should turn for aid to the popular assemblies, whose value against senatorial obstruction had been demonstrated by the Gracchi: but the alliance was one of convenience alone, which was far from implying the slightest devotion to the principle of democracy on the part of the so-called *populares*. Their quarrel was with the Senate, and it started during the second century B.C. when the Senate began to mismanage imperial affairs and to set its own desires above the interests of other classes at Rome and above those of the State as a whole.

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[1] On the *populares* and their ideals see M. Gelzer, 'Die römische Gesellschaft zur Zeit Ciceros' in *N.J. kl. Alt.*, XLV–VI, 1920, pp. 1–27.

In general the *populares* stood for efficiency and public spirit in the direction of affairs; but in particular they were opposed to the Optimates on a narrower issue. Just as the patricians in the early days of the Republic had sought to deny the plebeians all access to the magistracies of the Roman People, so now the *nobilitas*—a body of patricians and plebeians which had been consolidated into something like a close corporation since the Plebs had won its way to power during the fourth century—claimed to do the same. Whether 'nobility' belonged to the descendants of all holders of curule office or only to those who could boast dictator, consul or *tribunus militum consulari potestate* among their ancestors[1], it was the doctrine of the Optimates that nobles alone should be regarded as eligible for the consulship: any man born outside this ring who essayed to rise on his merits to the highest magistracy was a *novus homo*, exposed to all the obstruction and petty resentment which are the inevitable lot of the social upstart. This was the issue over which the fight waxed hottest. According to their enemies' account, the *nobiles*, 'quibus omnia populi Romani beneficia dormientibus deferuntur[2],' were unworthy of the responsibilities reserved for them in virtue of their birth, and, what was more, they were violating the intentions of the Roman constitution: for, when the monarchy was abolished at the end of the sixth century, the People in their wisdom 'ita magistratus annuos creaverunt ut consilium senatus rei publicae praeponerent sempiternum, deligerentur autem in id consilium ab *universo* populo aditusque in illum summum ordinem *omnium* civium industriae ac virtuti pateret'[3].

Thus, though higher efficiency in government was the supreme aim of the *populares*, one of their most insistent and controversial demands was for a *carrière ouverte aux talents*. Candidates for office should be sought from the citizen-body as a whole, and magistracies should be conferred on the ablest men that could be found, irrespective of their antecedents. The relevance of the Jugurthine War to a dispute such as this is too obvious to need discussion. So long as the command lay with men appointed on the principles for which the Optimates contended there had been corruption, incompetence and, even after the appointment of Metellus, no rapid march to victory. But when the People overrode the wishes of the Senate and put Marius, the *novus homo*, in charge, not only was the war in Africa soon brought to a triumphant end, but there was revealed to the world a general who led Rome safely through the far graver perils of the Germanic invasion. Such a version might assume a somewhat generous interpretation of the services rendered by Marius in Africa: but to the ignorant vulgar there is no commendation like success, and it could not be denied that after the appointment of Marius the war had made steady progress to its proper outcome. If Marius had not fulfilled his earlier promise by his defeat of the Cimbri and Teutoni, the moral to be drawn from his performances in Africa might have been less cogent; but, as things were, the Jugurthine War seemed to give incontrovertible proof of the immense advantages to be gained by the judicious appointment of *novi homines* to the consulship.

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[1] On this question see M. Gelzer, *Die Nobilität der römischen Republik*, pp. 21 *sqq*.

[2] Cicero, II *in Verr*. V, 70, 180.

[3] Cicero, *pro Sestio*, 65, 137; cf. Livy IV, 3, 13.

IX. THE CIMBRI AND TEUTONI

When Marius came home from Africa, Rome lay under the shadow of a menace from the North. For eight years now, Germanic wanderers had been searching without success for a new home in Europe outside the Roman frontier, and their continued failure made it ever more certain that in the end they would be driven to stake their future on a bolder throw. When other regions had been tried in vain, they would turn to the Roman provinces, if not to Italy itself. The movement of these peoples is an event of oecumenical significance. Not only was it the occasion of Rome's first contact with the Germans, but, even though the later phases of the Celtic migration may be attributed in part to Germanic pressure, it was the first unmistakable warning of that great expansion which in the end was to shake the whole fabric of the Roman Empire, to deprive it of its western half, and to establish Germanic powers in Britain, France, Italy, Spain and even Africa. The history of northern Europe during the emergence and the settlement of the Celts has already been recounted (vol. VII, chap. II), and the later fortunes of these peoples are so largely determined by their relations with Rome that they are best described in connection with Roman policy in the provinces. The story of the Germans down to the middle of the second century A.D. will be surveyed as a whole in a later volume, at the time when the Empire is about to face that insistent Teutonic advance which was not the least potent among the causes of its disruption. In the present place no more need be said about the early history of these tribes than is essential for the understanding of the threat with which Marius was called upon to cope—a threat which, ominous as it indubitably is when interpreted in the light of subsequent developments, owed its meaning in the eyes of contemporaries, partly of course to the magnitude of the immediate danger and to the disasters which it involved, but in part as well to its effects on the course of politics in Rome.

During the first half of the last millennium B.C. the Celts of north-western Germany were subjected to increasing pressure from tribes which may reasonably be called Germanic, and thus was started a movement which before the end of the sixth century had carried Celtic peoples across France and even into Spain, which brought others to Italy early in the fourth, and which finally, in the fourth and third centuries, produced that drift towards the south-east which left a Celtic deposit in the regions south of the middle Danube and even in Asia Minor (vol. VIII, pp. 59 *sqq.*) The source of this thrust is to be seen in the lands which lie within a radius of about three hundred miles round a centre roughly marked by the site of Copenhagen. Here was the earliest known home of the Teutons, and from this breeding place there issued a succession of closely-related peoples, all seeking wider territories and all of a prowess in war which made their name a terror to those who barred their progress. Forerunners of these invaders had already crossed the Rhine; for there is no reason to doubt the presence of a strong admixture of German blood in the Belgic population now settled in north-eastern Gaul: but it was not till the end of the second century that Gaul was attacked by Germans of pure extraction. These were the Cimbri and Teutoni, whose Germanic origin may be accepted with confidence in spite of modern speculations which would claim Celtic affinities for the latter, if not for the Cimbri as well. From their homes in the peninsula of Jutland and in the districts round its base the Cimbri and their kinsmen[1] set out at some time about 120 B.C., having no clear idea of their destination, but trekking in search of broader lands and of adventure by the way. According to a tradition accepted in the Graeco-Roman world they were set moving by a great encroachment of the sea[1], but, though this need not be doubted, it is hard to accept it as the only cause. The Germans had already taken to settled agricultural life at least so far as to make their demand one for fertile lands, and even cities, in which to live, and it would not be rash to assume that the growth of population in Germany, accentuated perhaps by the advance of neighbours from the north and east, did something to impel the Cimbri and their brethren to seek a less congested territory and one where Nature was more benign. Though enough of the Cimbri stayed behind to keep their name alive in the region from which they started[2], the movement came near to being the migration of a whole people. Women and children followed with the waggons which served as homes; and it is not unlikely that, with the recruits who joined at later stages, at its greatest strength the host approached half a million souls. Any such estimate must remain conjecture; but there is no need to make drastic reductions of the recorded numbers in order to bring the fighting force of the invaders nearer to equality with the Roman armies by which it was finally defeated. The Germans laboured under a handicap which made them, man for man, no match for their opponents. Apart from their inferior discipline, they suffered from the lack of body-armour. With nothing but a shield for defence, the invaders were at the mercy of the well-protected legionaries, when once the legions were under intelligent command.

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[1] Though the migrants were perhaps reinforced at later stages by new arrivals from the North, it is probable that Teutoni, as well as Cimbri, took part in the movement from the start. See Ed. Meyer, 'Tougener und Teutonen' in *Kleine Schriften* II, especially p. 501, and, for a different view, F. Stähelin, *Die Schweiz in römischer Zeit*, ed. 2, pp. 45 *sqq.*

At the outset they made towards the south, probably along the natural route provided by the Elbe, past Magdeburg and Dresden roughly in the direction of Vienna. In Bohemia they found no haven; for the Boii sped their passage by force. Their next appearance is south of the Danube in the neighbourhood of Belgrade. Here they were repulsed again—this time by the Scordisci, and thence they turned westwards, moving perhaps up the valley of the Drave until they reached Carinthia. In Carinthia for the first time they were face to face with Rome. The friendship between Rome and the Taurisci established by the operations of Scaurus two years before (see above, p. 108) led the Roman government to concern itself with the protection of Tauriscan territory, and Cn. Carbo, consul of 113 B.C., was sent with a large army to resist the threatened invasion. The Cimbri were in no mood to court a new defeat: at the consul's order to retire they obeyed. But Carbo was out for glory. Fearing that his victims might escape, he hurriedly prepared for their destruction; and when treachery had provoked the battle for which ambition sought, the incompetence of their general involved the Romans in a defeat which would have been annihilation but for the timely intervention of a thunderstorm. Such was the battle fought near Noreia, midway between Klagenfurt and Ljubljana. When he had returned to Rome, Carbo was prosecuted by the young orator Antonius; and, like his brother Gaius (p. 94), he died an unlamented death by poison.

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[1] Strabo VII, 293; Festus, p. 15 L.

[2] *Res Gestae Div. Aug.* 26; Tacitus, *Germ.* 37, 1.

The ignominy of his end became him well: by conduct of the most culpable ineptitude he had thrown away an army, and—what was worse—had given the migrant horde its first taste of victory. After Noreia the Germans proved less amenable to orders for their own departure. Yet even now, though the road to Italy was open, they turned away to the north-west instead, and for the next three years they were moving round the northern foot-hills of the Alps towards the sources of the Danube. At length, in 111 or 110 B.C., they crossed the Rhine, perhaps at a point not far below Schaffhausen[1], and thence they seem to have followed the natural route up the valley of the Aar to the Jura, and so to Gaul. In this part of their wanderings they were joined by numerous recruits, some of whom at least were of Celtic stock: in particular the records make mention of the Tigurini—a section of the Helvetic people, and it is not impossible that at this stage there also arrived German reinforcements from the North. Thus it was a host more formidable even than before which, when it entered Gaul, came once more within the ken of Rome.

M. Junius Silanus, consul of 109 B.C., had been sent to Gaul to maintain the integrity of the province and to support the tribes in alliance with Rome[2]. To him the invaders presented their demand for land, and the demand was formally referred to the government at home. But it was not the moment to accommodate whole tribes of immigrants within the empire, and the German request was refused: Silanus, like Carbo, sought a battle: and somewhere in the valley of the Rhône, probably at a point beyond the frontier of the Roman province, his army was decisively defeated. The effects of this were grave. The invaders gained fresh confidence, and the prestige of Rome sank so low that the Celts themselves began to toy with thoughts of a *revanche*. While the Cimbri withdrew to the interior, their allies the Tigurini, possibly reinforced by other

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[1] Vell. Pat. II, 8, 3, on which, however, see Stähelin, *op. cit.* p. 46 *sq.*

[2] For the operations which follow see above, Map 4.

Helvetic elements, hovered round the Roman frontier, and before long revolt broke out among the Volcae Tectosages, a people allied with Rome whose homes lay round Tolosa (Toulouse).

To meet these dangers the Senate had another army in the field by 107 B.C., under the command of the consul L. Cassius Longinus, who turned out to be as bad as his predecessors. He did, indeed, drive the Tigurini from the neighbourhood of Tolosa; but an ill-judged pursuit down the valley of the Garonne ended in a great disaster[1]. Longinus himself and L. Piso—the latter an ex-consul now serving as *legatus* and, as was afterwards remembered, an ancestor of Julius Caesar's third wife[2]—were killed, and such remnants of the troops as reached the camp alive only escaped destruction because the senior surviving officer, C. Popillius Laenas, bought their lives by surrendering half the baggage and even agreeing that they should pass beneath the yoke. The credit for this victory belonged to a young chief of the Tigurini named Divico, who lived to encounter Julius Caesar. Yet even now the tale of Rome's misfortunes was not told. Longinus was followed by a consul of 106 B.C., Q. Servilius Caepio—a man who, compared with his predecessors, might claim to be a general of experience: for, slender as his military gifts turned out to be, they had at least won him a triumph in the previous year for his achievements in Spain. At first the appointment seemed to justify itself: Caepio addressed himself to the easy task of dealing with the Volcae who, now that their Helvetian allies had withdrawn, were in no position to oppose the might of Rome. Tolosa was recovered without a struggle, and disloyalty was visited with a fitting punishment. The sacred places of the city contained an accumulated wealth of offerings whose origin became the theme of legend and whose value was set at figures of prodigious size: but even fifteen thousand talents of gold and silver, the estimate of Posidonius[3], would have been a most welcome windfall to an exchequer drained by wars in Africa as well as Gaul. Caepio, therefore, seized the treasure; but on its way to Massilia for transport to Rome the convoy was attacked, the escort overpowered, and the precious objects vanished, none could tell whither.

Afterwards men said that the robbery was a fake, arranged by Caepio to conceal his own embezzlement (see below, p. 159 *sq.*). At first, however, there were no suspicions, and the command of Caepio had been so far a success that he was continued in office as proconsul for 105 B.C. But now he was not alone: a renewal of the Cimbric threat brought Cn. Mallius Maximus on the scene, with a second army and the authority of a consul. Mallius was a *novus homo*, but the experiment so triumphantly vindicated by Marius was less fortunate in its repetition. His arrival in Gaul meant that the control of the Roman forces was divided; and the jealousy of the two commanders made effective co-operation impossible. When the Germans marched southwards down the Rhône, Caepio remained on the western bank while Mallius was on the east, with an advance-guard to the north under M. Aurelius Scaurus. Scaurus sustained the first attack: he lost his whole force, and himself was captured. The military situation now grew clearer: since the enemy was marching along the eastern bank, Caepio must cross the river and join Mallius before the fight began. Mallius issued orders to this effect, and with much reluctance Caepio obeyed; but, even so, he refused a proper junction and kept his troops in a separate camp so far from his colleague as to be almost out of touch. There followed a period of negotiations, first between the Romans and their enemy, who now renewed the old demand for land, and then between the rival generals on the Roman side: but even the good offices of a deputation from the Senate failed to persuade Caepio and Mallius to sink their differences. Thus, when at length the battle broke, the invaders could destroy the two halves of the Roman force in detail. On 6 October 105 B.C. close by the town of Arausio (Orange) the barbarians fell first upon Caepio, and the two Roman armies were cut to pieces in succession. Retreat was impossible—for they had chosen to fight with their backs to the river; and their losses in fighting men, apart from non-combatants, were reported to be eighty thousand. Though both the generals survived—to present the Roman government with a thorny problem of military discipline (see below, pp. 158 *sqq.*)—the Gallic province and even Italy itself now lay open without defence.

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[1] If the texts of Livy (*Epit.* 65) and Orosius (v, 15, 23) are to be accepted, the battle was fought to the south-east of Bordeaux.

[2] Caesar, *B.G.* I, 12, 7.

[3] In Strabo IV, 188.

The colleague of Mallius in the consulship of 105 B.C. was P. Rutilius Rufus, a figure whose high repute in history was more than a mere tribute of sympathy with the injustice of his fate (see below, p. 175 *sq.*). When news of the disaster arrived, Rutilius acted with energy. He had perhaps already sought the aid of gladiatorial trainers to improve the legionaries' skill in fighting at close quarters[1], and it is possible that he had also passed a measure whereby officers of tried efficiency might be more freely chosen as

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[1] Val. Max. II, 3, 2.

tribuni militum, though the evidence for this admits no certainty[1]. Now in the crisis he required men of the normal military age to swear that they would not leave Italy, and orders were sent to the ports that none under thirty-five should be permitted to embark[2]. But the few weeks of power which remained left him time for none but the roughest preparations, and the situation he bequeathed to his successors was still acute. On New Year's Day 104 B.C. Marius, already elected in absence to his second consulship, celebrated his return to office by the triumph which marked the end of Rome's African distractions. Serious as had been the strain imposed by the Jugurthine War on the sources of recruitment, its most ominous result was the revelation of Rome's poverty in competent commanders. So rare had able generalship become, that Rome, it seemed, could not fight with success on two fronts at once: but now at length Marius was released and it was the turn of the northern campaign to engage the attention of the one proved artificer of victory.

Fortune gave Marius time to make his preparations. After the defeat of Caepio and Mallius the invaders had refused once more to follow up their success with an advance on Italy. Instead, the Cimbri made off to Spain while the Teutoni roved about in Gaul, and it was probably not before the end of 103 B.C. that the Cimbri returned from the West and joined their brethren for a concerted thrust across the Alps. The army under Marius was not of enormous size: at the battle of Vercellae in 101 B.C. he had thirty-two thousand men[3], and it is unlikely that many more than this had been at his disposal in Gaul. But, as always when Marius was in command, lack of numbers was made good by high efficiency. From the moment of his departure from Rome, with the help of an active staff, which included men like Sulla and Quintus Sertorius, the general made it his foremost care to raise his troops to the standards attained by the veterans from Africa. The material, indeed, was of varied value. Among the auxiliaries, useful as these had shown themselves in guerrilla warfare, were contingents strange to the discipline needed in a general engagement: but the legionaries themselves were of the proper stuff and responded in time to persistent training. All through the summer of 104 B.C. the troops were kept within the province, engaged in nothing more than the assertion of Rome's authority. The last traces of rebellion were stamped out: Sulla repeated his African success by capturing a king of the Tectosages: and Marius turned his thoughts to still further technical improvements in the army.

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[1] On the 'Rufuli,' whose name is not to be connected with Rutilius, see Festus, pp. 316–7 L., and on the date and author of this reform E. Pais, *Dalle guerre puniche a Cesare Augusto*, I, pp. 84 *sqq.*, with the literature there cited.

[2] Licinianus, p. 14 F.

[3] Plutarch, *Marius*, 25, 4.

It was either now or soon afterwards that he modified the *pilum*[1], and to this period of his career may belong that improvement in the legionary equipment of which he was probably the author. These innovations revealed him as a soldier of ideas; but the claim that he was responsible for a far more radical change must be rejected. Though it may be admitted that the light-armed *velites*, first found in 211 B.C.[2], are not recorded after the Jugurthine War and that Marius was the cause of their disappearance[3], there is no good evidence for the widespread belief that at a stroke he made the cohort the tactical unit for legionary troops. In earlier days the maniple had doubtless been the basic formation for Roman infantry, but the cohort—a group of three maniples—had evidently been growing in favour for many years before this time[4]. Again, though the cohort had long been a regular formation among the Italian allies of Rome, it is difficult to believe that all the references made to such bodies by Livy[5] are meant to concern allied contingents alone. It is, indeed, a bare possibility that passages of this kind, though describing Roman troops, are anachronisms; but the assumption is one which has little probability if the change from an organization by maniples to one by cohorts was the work of any single individual—an individual whose identity could scarcely have failed to be remembered. Still stronger testimony is supplied by Sallust. As early as 109 B.C., when Marius was still a subordinate, he clearly recognizes the cohort as a tactical unit in the legion[6]; and this he is hardly likely to have done had the cohort been put in the place of the maniple by a sudden change whose author was his chosen hero.

The indications of the evidence are plain. From some time in the third century the maniple had been proving too small a unit for tactical convenience, and it had grown more and more common to group the maniples in cohorts. This process was completed during the later life of Marius, and in the subsequent wars of the revolutionary age maniples no longer play an independent part. When this stage was reached, a consequential change became inevitable. The abandonment of the maniple as a separable unit made it pointless to retain the old distinctions of age and armament between the maniples of *hastati*, *principes* and *triarii*. These were accordingly dropped, very possibly by Marius himself. All legionaries were now armed alike, with the *pilum* as the one missile weapon and the sword for fighting at close quarters. By this assimilation the cohorts were still further consolidated. They were now the standard units of manœuvre, and with them was built up a fighting line of a solidity unknown before, wherein, thanks to the discipline of highly trained troops under the immediate control of competent centurions, the increased size of the component parts involved no serious loss of flexibility. Such was the final phase of a development which ended by giving Rome an infantry whose efficiency was never surpassed in the history of the ancient world.

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[1] Plutarch (*Marius*, 25, 1–2) ascribes this change to 101 B.C., but a slightly earlier date is more probable.

[2] Livy XXVI, 4, 4–5.

[3] On this see Festus, p. 274 L., and A. Schulten, 'Zur Heeresreform des Marius' in *Hermes*, LXIII, 1928, p. 240.

[4] The reference in Frontinus, *Strat.* I, 6, 1, to the use of cohorts by Cn. Fulvius (cos. 298 B.C.) may well be anachronistic; but the appearance of cohorts in Spain in the last decade of the third century is securely attested by Polybius XI, 23, 1.

[5] See *e.g.* XXII, 5, 7.

[6] *Bell. Jug.* 51, 3; 56, 3–4: cf. 55, 4 and 100, 4. The last of these passages alone falls during the period of Marius' command.

When autumn came without the appearance of the foe, Marius was elected, again in absence, to the consulship for the following year. But still there was no enemy, and 103 B.C. had to be passed in waiting. To occupy his men in something more profitable than the monotonies of drill, Marius designed a canal which should do for the Rhône what the Emperor Claudius did later for the Tiber. To escape the silt which made access to the river difficult by its natural estuary, an artificial channel was dug from a point on the coast just south of the modern Fos to the main stream above the bar, and thus an open waterway was left which avoided the old obstacles to shipping. The *fossa Mariana* was a memorable achievement: in the hands of the Massiliotes, to whom it was made over after the war, it produced a lucrative revenue in dues[1], and it laid the foundations for the commercial development of Arelate (Arles). Again, apart from its value to Massilia and to all traders whose business was with Gaul, it was a forerunner of those public works which the standing army of later Roman history was to leave as its monuments throughout the Empire.

Towards the end of 103 B.C., when it was certain that the impending struggle must be delayed yet another year, Marius left his troops under the command of M'. Aquilius, and went back to Rome, where, with the help of the tribune Saturninus, he was elected consul for the fourth time. While he was still in Italy, news arrived that the Cimbri were returning from the west, a return which meant that the decisive clash would come with Marius still in control. Soon he was back in Gaul; but the greatest crisis of his military career was suddenly made less critical by a new decision of the enemy. For the moment the whole horde was united somewhere in northern France[1]; but after some conflicts with the Belgae, who contrived to hold their own[2], they left their superfluous belongings under a guard of 6000 men in the valley of the Meuse[3] and embarked on a manœuvre of amazing rashness and stupendous scale. Italy was to be attacked on three fronts at once. The Teutoni were to advance along the coast road from the west; the Cimbri were to descend on Lombardy from the Brenner; and to the Tigurini fell the still harder task of making their way to Pannonia and striking at Aquileia over the Julian Alps.

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[1] See Strabo IV, 183.

Vast as their numbers might be, by adopting such strategy as this the barbarians played straight into the hands of Rome. Marius and his lieutenants were allowed to operate on interior lines against three independent forces which, though united they might have been of overwhelming strength, individually were by no means invincible. The Roman army was holding a camp on the east bank of the Rhône, probably near the crossing below the confluence of the Durance[4], and here the Teutoni sought to provoke a battle. Marius refused, and when a direct assault on his position had failed to bring out his troops, the enemy decided to leave him where he was and start on the way to Italy. At the head of the column went the Ambrones, a people who had apparently shared in the fortunes of the migration from the beginning and were either part of the Teutoni or their kinsmen in close relation. Once the whole mass was strung out in the long line of march, Marius broke camp without delay, and by other routes reached Aquae Sextiae before any but the Ambrones had arrived. Thus the upper valley of the Arc was blocked, and the barbarians must either fight or retire. The Germans now made a new mistake. Without waiting for their main body to come up, the Ambrones crossed the river and attacked the Romans in the position of their own choosing on the slopes to the south. Thirty thousand men advanced to the assault, but they were thrown back across the river and none but a remnant survived to join the main force in the final battle. The interval which followed was brief, but it gave Marius time to send a body of three thousand men to circumvent the enemy and conceal itself on the heights in his rear. Then on the next day or, at latest, two days after the first engagement, the Romans offered battle again[1]. The fight was long and stubborn; but superior equipment, sounder discipline, the advantage of position and the confusion caused among the enemy by the unexpected attack of the three thousand from behind finally gave Marius a victory decisive beyond hope. Not only was Italy freed from all fear of invasion from the west, but the enemy was annihilated and the turmoil in Gaul was at an end. Killed and captured are put by the lowest estimate at more than a hundred thousand.

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[1] The locality depends on the reading adopted in the last sentence of Livy, *Epit.* 67.

[2] Caesar, *B.G.* II, 4, 2.

[3] This body was the nucleus of the tribe known to later times as the Atuatuci: Caesar, *B.G.* II, 29, 4–5.

[4] Orosius (v, 16, 9), our only explicit authority, places this camp north of Valence, at the point where the Isère joins the Rhône. But this site is in conflict both with the suggestion of Plutarch (*Marius*, 15, 1–2) and also with general considerations of probability, which point to a site much farther to the south. See M. Clerc, *La bataille d'Aix*, pp. 65 *sqq*.

Little remained to do in Gaul. The prestige of Rome was restored, and Marius, now designated to his fifth consulship, could turn to the problems of the future. These lay in Italy, where amateur generalship had lived down to its traditions. When the barbarians unfolded their design for a triple thrust across the Alps, Marius in Gaul had been compelled to leave the defence of Italy to his colleague in the consulship of 102 B.C.—Q. Lutatius Catulus. Catulus was a man more noted for his culture than for knowledge of the art of war. He had the opportunities which Napoleon knew how to use; but the brilliance which shone at Castiglione, Bassano, Arcola and Rivoli was not his to show. When the Cimbri were found to be moving southwards from the Brenner, Catulus, instead of waiting to destroy them as they debouched on to open ground, advanced up the Adige far into the hills. There he chose a position, probably in the neighbourhood of Trento, and essayed to block the way. But the choice was foolish: in the narrow valley there was no room for manœuvre, nor even for the legions to deploy. In place of a battle wherein discipline and training might have told, the Romans were threatened with a hand-to-hand struggle round a bridge—a struggle of the sort in which skill goes for nothing and attrition leaves victory with the larger numbers. From this miniature Thermopylae Catulus was ejected by the good-sense or cowardice of his troops. For whatever reason, the men refused duty in such circumstances: with difficulty the army was disengaged: and from Trento it retired south of the Po, leaving the invaders in undisputed possession of all Transpadane Gaul which they might care to occupy.

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[1] On the site of this second battle, which has been made the subject of many theories, the present writer accepts the view of C. Jullian: see id. *Histoire de la Gaule*, III^2, p. 82, n. 3 and the literature there mentioned.

The authorities are at variance on the date of these events, but it is clear that the barbarians had entered Italy by the early winter of 102 B.C., if not before. When news of their advance reached Rome, Marius, who had returned to the city at the end of his campaign in Gaul, postponed the holding of his triumph, ordered his army to Piedmont and himself set out for the North. For the campaign of 101 B.C. he and Catulus, whose *imperium* had been prorogued, between them could muster more than fifty thousand men, and with this force they crossed the Po to seek a decision on the northern bank. The preliminaries seem to have been long: it was not till after midsummer that the two armies found themselves face to face near Vercellae. There, at a place called Campi Raudii, the carnage of Aquae Sextiae was renewed. According to Florus[1], the Cimbri lost sixty-five thousand dead, though others put the number more than twice as high; and all who survived were captured. The victory was conclusive: the Tigurini, who now alone remained, did not wait to share their allies' fate, but left their station in the eastern Alps and returned peaceably to their homes in Switzerland. Next year a colony to watch the St Bernard routes was planted at Eporedia among the Salassi[2], whose gold-bearing territory had already attracted Roman notice. So Rome emerged, battered but supreme, from the earliest of her conflicts with the Germans.

When Marius and Catulus began to wrangle over the laurels of Vercellae, their dispute was on a minor issue. Though they triumphed together in 101 B.C., men had no doubt with which the credit lay. It was Marius who had saved the State and was hailed, after Romulus and Camillus, as the third founder of Rome. But his glory was not earned in the final battle. Whatever he may have contributed to the last campaign, his supreme service had been rendered the year before, when, with Rome fighting on two fronts at once, he had destroyed the enemy in Gaul single-handed and so enabled both Roman armies to be concentrated against the invaders across the Alps. Aquae Sextiae, like Salamis, was the crisis of the war: Vercellae was a sequel, like Plataea. Yet the Germanic movement of those years cannot be compared in significance with the Persian attack on Greece. The Gallic raid in the fourth century and the devastation wrought by Hannibal had left Italy with a dread of invasion which magnified every menace, and in this case the dangers of the German threat were made the more alarming by disasters due to military incompetence. But, for all their numbers, the Germans were doomed as soon as Roman generalship became worthy of its past. Though they had worked their will among the Celts of Gaul, a people who had been driven off the Danube, who were helpless before the Belgic tribes in the north-west and who failed to gain a footing across the Pyrenees, were no match for the power which had destroyed Carthage and imposed its terms on Antiochus the Great. The migration was one which only energetic opposition could stop, and it came at a time when Rome's energies were in large part absorbed elsewhere; but the loss of five Roman armies, which alone gave its alarming aspect to the affair, was needless flattery of the foe. The episode of the Cimbri and Teutoni is entitled to remembrance, not for any peril to the Roman State, but for the heights of influence to which Marius, a mere soldier, was raised, for the lesson which Rome learnt about the value of control beyond the Alps if the Alps themselves were to be inviolate, and for Rome's first contact with Germans, a people who in later centuries were to bulk large in Roman history.

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[1] I, 38 (III, 3), 14.

[2] Vell. Pat. I, 15, 5.

X. THE WARS IN THE ISLANDS AND THE SECOND RISING OF THE SICILIAN SLAVES

There remain for notice three episodes, of varied importance, which attracted attention to the islands of the western Mediterranean at different times during the last thirty years of the second century B.C. First comes Sardinia. In 126 B.C. the restless peace which had prevailed in that turbulent country since the triumph of the elder Tiberius Gracchus, forty-nine years before (vol. VIII, p. 331), was so far broken that the consul L. Aurelius Orestes sailed with an expedition only notable for the presence of the young Gaius Gracchus as the consul's quaestor. It was he who induced the people of the cities voluntarily to provide clothing for the army when the Senate had allowed their appeal against a compulsory requisition, and it was regard for the name of Gracchus which is said to have moved the Numidian Micipsa to offer supplies of corn. But, though the Senate is alleged to have prorogued the command of Orestes in order that his quaestor might have to stay in Sardinia too, Gaius was back in Rome, well satisfied with his own behaviour[1], before the end of 125 B.C.; and about the course of the campaign after his departure our ignorance is complete. At most we can say that it was long, and not without success; for Orestes finally triumphed, though not until December 122 B.C.

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[1] See Malcovati, *Orat. Rom. Frag.* II, pp. 132 *sqq*.

Even less is known of the operations conducted by M. Metellus —one of the sons of Metellus Macedonicus—who was sent to Sardinia after his consulship in 115 B.C. and celebrated a triumph on 15 July 111 B.C.—an occasion made famous by the fact that his brother Gaius triumphed on the same day for his services in Thrace. For the rest, nothing is recorded of the achievements of Marcus in Sardinia except the fact, revealed by a document of A.D. 69[1], that he was the author of administrative arrangements which involved the demarcation of some boundaries. There the affairs of the island may be left; for the campaign of the Epicurean T. Albucius is memorable for nothing but his insolent celebration of a triumph on his own authority in Sardinia itself[2].

Of greater significance than these trivial incidents was the occupation of the Balearic Islands. Roman intervention in this quarter was provoked by the activities of pirate fleets, which used the islands as a base, even if they were not wholly manned by the local population; and it must be assumed that the first object of the war was to free the sea routes which ran to Spain. But the islands themselves were by no means to be despised: apart from the military value of the native slingers, the soil was good and subsequently became famous for its production of corn and wine. The operations were entrusted to one of the consuls of 123 B.C.—Q. Metellus, the eldest brother of Marcus and Gaius—but their conduct seems to have called for no great skill. The fleet was protected from the sling-bullets of the enemy by special screens rigged up on deck, and after a landing had been made the occupation of the country was so speedy and complete that almost at once it became possible to found two colonies of Roman citizens in Majorca. These colonies, Palma and Pollentia, deserve notice, not only because their origin was due to a man who, so far as we can say, belonged to the senatorial oligarchy, but also because their object was something other than the relief of over-population in Italy. Three thousand of the settlers, certainly a considerable fraction of the whole, were drawn from the Roman (or Italian) population of Spain[3]. That fact is noteworthy. Roman policy may, indeed, have been determined by the military value of the island population; but it is also possible that some effect should be ascribed to those commercial considerations which now begin to be discernible and which, in later times at least, carried peculiar weight with the Italian emigrants who made their homes in Spain. Whatever may have been the motive of the expedition, its importance was enough to earn the surname 'Balearicus' for its leader and to win him the honour of a triumph in 121 B.C.

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[1] Dessau 5947, l. 7.
[2] Cicero, *de prov. cons.* 7, 15; *in. Pis.* 38, 92.
[3] Strabo III, 168.

The final episode in the military history of these years has Sicily for its scene[1]. In 104 B.C. there broke out the insurrection which passes as the Second Servile War; but, unlike its predecessor, this later affair holds a place in the story of Rome thanks rather to an accident of its circumstances than to any intrinsic interest of its own. Such warnings as a rising of this kind could give about the dangers latent in a society using slave-gangs to supply its labour had been given already by Eunus and Achaeus: the movement led by Salvius and Athenion is remembered because, when Rome had at length shaken herself free of entanglements in Africa, it provided a new and unexpected embarrassment during the crisis of the struggle with the Germanic invaders.

Though there may have been a tendency since the end of the First Slave War for small holdings in Sicily to extend at the expense of large (p. 16), the general conditions of the island had escaped all fundamental change, and in essence the later outbreak is not to be distinguished from the earlier. As on the former occasion, the explosion in Sicily was heralded by rumblings in Italy itself. There was an outbreak at Nuceria, another at Capua, and then a third in the neighbourhood of Capua again—this last a most extraordinary affair. Probably in 104 B.C., a Roman knight named T. Vettius, whose amatory propensities had plunged him into hopeless debt, bought five hundred suits of armour—on credit, equipped his own slaves for war, and soon, by forcibly enlisting the servile population of the district, found himself at the head of an army of 3500 men. Against this enterprising bankrupt the Senate was compelled to send a praetor, L. Lucullus—a man best remembered as the father of two more famous sons. Despite the demands of the northern front, a force of four thousand odd was somehow raised, and Lucullus, not without vicissitudes and recourse to treachery, finally captured the adventurer.

When this could happen within two hundred miles of Rome, far worse was possible in the remoter parts of Sicily. It was about now that the difficulties which Marius had encountered in securing contingents from the client kings led the Senate to issue a decree ordering the immediate release of all citizens of allied States held as slaves in the provinces of the empire. When, however, this enactment came to be applied to Sicily in 104 B.C., it caused so much excitement among the local slaves and such resentment among their owners that the governor, P. Licinius Nerva, desisted from the work of liberation after about eight hundred had been freed. The immediate result was a small outbreak at Halicyae, a township of western Sicily between Segesta and Selinus. By the familiar use of treachery this was soon put down, but it was followed at once by a more serious rising which had its centre on the south coast, in the territory of Heraclea Minoa. After the defeat of a Roman contingent the rebels soon mustered 6000 men, and organized themselves into a regular army. A certain Salvius, who took the title 'King,' was chosen as their leader, and before long, with a force of 2000 cavalry and 20,000 foot, he marched into the fertile regions of the east, where he essayed an attack on the city of Murgantia. An attempt by Nerva to raise the siege ended in a failure whose only result was to double the numbers of the enemy. The siege was resumed, and though Murgantia was preserved intact, it seems that, when the enemy withdrew, his strength was still further increased by the folly of Nerva in rescinding an offer of freedom whereby the citizens had sought to retain the loyalty of the slaves within the walls. When the promise was not fulfilled, they went off to join the rebels.

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[1] The fragments of Diodorus XXXVI are our only serious authority for the history of the Second Sicilian Slave War. See above, Map 1.

In the same year an independent movement was started in the far west of the island, where a Cilician named Athenion collected a large following and used it with intelligence. Instead of arming all his men, he enlisted none but the most fit and kept the rest at their ordinary occupations in order to provide supplies. Then, with his striking force, he attacked Lilybaeum. The siege did not prosper, and Athenion thought it prudent to withdraw; but though he lost a certain number of men during the retreat when some African troops, who had come to help their friends in Lilybaeum, fell upon his force, the rebels disengaged themselves without serious damage and remained a threat of the first magnitude to the established social order. By this time all Sicily was in a ferment. The slaves were soon reinforced by discontented elements from the free population, and the danger was made many times greater by a junction of the forces under Salvius, who now called himself King Tryphon, and Athenion. They met at Triocala north of Heraclea, and made it their headquarters: shortly afterwards Tryphon ensured unity of command by putting Athenion under temporary arrest.

So far the Roman resistance seems to have been maintained by the small forces normally in the island, together with such emergency levies as could be raised: henceforward it was to draw more and more freely on the resources of the empire as a whole. In 103 B.C. Nerva was succeeded by L. Lucullus, whose operations at Capua the year before have been mentioned already; and Lucullus was given an army of 17,000 men, which included recruits from Acarnania, Thessaly and even Bithynia. His advance provoked a council of war at Triocala, where it was decided on the advice of Athenion, now released from custody, not to invite a siege but to offer battle in the open country. The slaves outnumbered the Romans by more than two to one: but training told in the end. Athenion was wounded and only escaped capture by feigning death; the rebel losses amounted to something like half their whole force; and the survivors who finally found safety behind the walls of Triocala were so utterly demoralized that they seriously contemplated surrender forthwith. But Lucullus failed to follow up his advantage: it was not till more than a week later that he appeared before the city, and by that time the garrison had plucked up courage enough to beat off his assaults. Finally Lucullus withdrew, and on his return to Rome he found himself in trouble. It is hard to believe that he had accepted bribes, but there is no lack of reason for his fall if Diodorus tells the truth when he says that Lucullus, hearing that a successor was on his way to take over the command, disbanded his army in a fit of pique and even destroyed his camp. Whatever the state of affairs which awaited him, the new governor achieved nothing in 102 B.C., and in the following year, when he was back in Rome, he tried to divert attention from his own defects by displaying those of his predecessor[1]. After much dirty linen had been washed in public, a rough justice was finally done by the exile of both parties to the squabble.

The year 101 B.C. brought the long-sought turn of fortune. The victory of Aquae Sextiae had so far dispelled the German menace that M'. Aquilius, now colleague of Marius in the consulship, could be sent to take charge of Sicily in person. Aquilius was a soldier of experience in whom Marius had already shown his confidence by leaving him in command of the army in Gaul when he returned to Rome in the summer of 103 B.C.[2]; and in Sicily he displayed unbounded energy. First he tackled the urgent problem of the food supply. Since the withdrawal of Lucullus from Triocala, the slaves had played such havoc with the economic life of the country that an island which normally was one of the granaries of the Roman world now stood in danger of starvation. Next he opened his campaign. The rebels were defeated in a battle, Athenion—whom the death of Tryphon had left in sole command—was killed, and the fugitives were pursued with relentless determination until they were either captured outright or starved into surrender. The prisoners were later sent to Rome, where they died gloriously at the hands of one another rather than fight with beasts to amuse the Roman mob.

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[1] On this see F. Münzer in P.W. *s.v.* Servilius, col. 1763 *sq.* and *s.v.* Licinius, col. 375 *sq.*

[2] Plutarch, *Marius*, 14, 7.

Aquilius did not receive his *ovatio* until 99 B.C.: until then he seems to have stayed in Sicily, restoring peace on so firm a foundation that neither the rising of Spartacus in southern Italy nor the outrages of Verres affected the tranquillity of the island. It is true that his administration was subsequently arraigned, and the belief in his avarice seems to have been shared by Mithridates, who ended his career in 88 B.C. by pouring molten gold down his throat. Cicero, too, had no doubt of his guilt[1]; but thanks to the influence of Marius and to a most memorable piece of oratory by M. Antonius, who led for the defence[2], gratitude got the better of justice and the trial ended in acquittal. Aquilius had, indeed, deserved well of the State. Under his auspices the Roman cause had not looked back, and Rome had rapidly been rid of an affair which, serious as it was, might easily have spread beyond the boundaries of Sicily[3] and so have become an even graver embarrassment to a government whose task on the northern frontier, at the time when Aquilius took charge, was still so vast as to demand its undivided attention and a concentration of all the resources at its command.

Thus ended a period of Roman history wherein the prevailing theme was one of war. Territorially the gains of Rome were small. In Asia the fighting had only preserved what had already become Roman by bequest; in Sicily nothing more was done than to restore order in the oldest of the provinces; and in Africa there was no tangible result to show for six years' fighting. In the North, it is true, the frontier had been straightened out and Gallia Narbonensis was an acquisition of immeasurable worth: but even here the supreme effort had been spent on the unremunerative task of defence against invasion. Yet, though the positive rewards compared so ill with the energy expended, the warfare of the age left a legacy of deep significance in the history of Rome. This was the professional army—the army which not only made possible the more impressive military achievements of later years but itself became an active force in politics, and one whose contribution to the downfall of the Republic was decisive.

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[1] *pro Flacco*, 39, 98.

[2] Cicero, II *in Verr.* V, 1, 3; *de orat.* II, 47, 195–6.

[3] Posidonius (*F.H.G.* frag. 35 = *F.G.H.* frag. 35) records trouble at this time in the mines of Attica; but his words, as reported by Athenaeus (VI, p. 272, E–F), do not suggest that it was directly provoked by the Sicilian affair.

CHAPTER IV

THE ENFRANCHISEMENT OF ITALY

I. THE PEOPLE AND ITS GENERALS

IN the years which lie between the close of the Gracchan episode and the outbreak of the Social War the domestic history of Rome is a melancholy and unremunerative study. The period was one of depression, when flaws in the fabric of the State were made uncomfortably plain yet nothing worth the mention was done for their repair. Attention may be confined to four features of the age —the search for means to impose a sense of responsibility on commanders in the field; the revelation by Glaucia and Saturninus of the dangers which would arise when the constitutional methods of the Gracchi found followers without scruples or ideals; the entry into politics of Marius—the first Roman who made military prowess a claim to direct the civil government and the earliest precursor of the soldier-emperors of the third century A.D.; and, finally, the preliminaries to the upheaval which ended with the enfranchisement of the Italians. These are the significant aspects of the story: the ups and downs of fortune in the petty struggle between the Senate and its rivals are incidents for which the briefest notice will suffice.

The scandals of the wars in Africa and the North presented a problem unknown before. The dearth of competent commanders and the low standard of morality which now pervaded public life had produced a whole series of generals who must at all costs be taught a lesson *pour encourager les autres*. Men in high places must learn the simple truth that the privilege of office involved obligations to the State. A beginning had been made by the Mamilian commission (p. 121), which was at least a reminder that corruption could not be tolerated; but the energy of that court had failed to impress on those whom it most concerned the further fact that wilful gambling with the interests of Rome, whether through personal ambition or indolent neglect of the most obvious precautions, was culpable to a degree deserving punishment. Carbo, the victim of Noreia, had forestalled by death any formal pronouncement on his conduct; but his successors in misfortune—Silanus, Caepio and Mallius—awaited a condemnation which, however richly merited, was not easy to secure. The charge hitherto preferred against citizens who had acted to the detriment of the State was *perduellio*—an offence which in course of time had been given the widest interpretation: before the end of the third century this process had been employed against Cn. Fulvius Flaccus though whether for failure in war is not clear.[1] To the use of this weapon, however, there were grave objections. Not only did it involve a clumsy procedure before the Centuries, but the charge itself was one of doubtful relevance to the crime. *Perduellio* properly understood was either actual warfare against the State or at least action of a kind which suggested that the agent was a *hostis*[2]; and it was easy to argue that negligence or imprudence, however gross, fell short of being a premeditated attack on the Roman People. The unsuitability of such a prosecution was made peculiarly plain by the minor case to which it was applied. In 106 B.C. C. Popillius Laenas, the *legatus* of Cassius Longinus who by the acceptance of humiliating terms had rescued the remnants of his army from the Tigurini, was solemnly arraigned for *perduellio*. The attack was led by C. Caelius Caldus, now tribune, and elaborate plans were laid for its success: Caelius even went so far as to pass a *lex tabellaria* extending the ballot to the voting of the Centuries in such a case[3]. Even so, it is difficult to see how on such a charge any honest court could have convicted a man for saving such survivors as he was able. The exile into which Popillius was finally driven was probably the result of a later trial under the new treason-law of Saturninus[4].

The battle of Arausio raised graver problems. Caepio and Mallius had been guilty of a reckless refusal to co-operate, and the crime of Caepio was aggravated both by the unpopularity of his *lex iudiciaria* (p. 161 *sq.*) and by the strong suspicion of dishonesty in the matter of the bullion from Tolosa (p. 143). Public opinion soon found expression. First he was deprived of his proconsular *imperium* by popular vote[5], and then in 104 B.C. he lost his seat in the Senate when L. Cassius Longinus, a son of the *iudex* in the scandal of the Vestals (p. 97), passed a tribunician law expelling from the House all members who had been condemned by the People on a criminal charge or whose *imperium* had been abrogated[6]. The leader in the attack on Caepio had been another tribune,

[1] Livy XXVI, 2, 7 *sqq.*; cf. De Sanctis, *Storia dei Rom.* III, 2, p. 460 n.

[2] See *Dig.* 50, 16, 234 (Gaius) and 48, 4, 11 (Ulpian).

[3] Cicero, *de legibus*, III, 16, 36.

[4] *ad Herennium*, I, 15, 25.

[5] Livy, *Epit.* 67; Cicero, *de orat.* II, 47, 197 *sqq.*

[6] Asconius, p. 78 c.

C. Norbanus, and his success had only been won after a struggle so severe that rioting broke out. Other tribunes, among whom L. Cotta and T. Didius are mentioned, threatened to use their veto, and in the street-fighting which followed the Princeps Senatus had his head broken by a stone. But opposition only made Norbanus and his friends the more determined. Not content with such achievements, they insisted that Caepio must be tried; but the elaborate plans now laid for compassing his fate belong to the following year. Before they are described, two other trials of 104 B.C. need notice. One of the tribunes now in office was Cn. Domitius Ahenobarbus, whose father's exploits against the Allobroges (p. 111 *sq.*) doubtless gave the son a special interest in the affairs of Gaul. For this reason, and for others of a more private kind, Domitius now attacked Silanus, the victim of the Germans in 109 B.C. The charge is unknown, though the ground of complaint was that Silanus had marched without instructions beyond the borders of the province[1]: but in this case, as in his prosecution of M. Aemilius Scaurus for neglecting his duties as augur, Domitius miserably failed and both his intended victims were triumphantly acquitted.

On 10 December 104 B.C. new tribunes entered office—and among them L. Appuleius Saturninus, for whom was reserved the final settlement of accounts with Caepio. On the sequence of events which follows and on many of the essential details the extant evidence is so vague that no account can claim more than probability; but it is clear that Saturninus, adopting the method of Mamilius, secured the establishment of a court to try the remaining villains of the Gallic piece. Both Caepio and Mallius were condemned, though the latter was defended by M. Antonius: Mallius' fate is not recorded, but Caepio lost his property by confiscation[2] and finally died in exile at Smyrna.

It remains to consider a more permanent result which may possibly be ascribed to this series of prosecutions. Though the evidence fails to support Mommsen's conjecture that the measure which ordered inquiry into the scandal of Tolosa was the famous Lex Appuleia de maiestate[3], and though he was perhaps rash to deny that this law established a new standing court[4], there is plausibility in his assumption that the failure of Roman generalship abroad did something to provoke this memorable enactment. Its date is uncertain, though it more probably belongs to the first tribunate of its author (103 B.C.) than to the second (100 B.C.); but its object is plain—if not to create, at least roughly to define the offence of wanton injury to the *maiestas populi Romani* and also to establish penalties for the crime. Undoubtedly this weapon is most often found in the hands of politicians engaged in party struggles, and it is possible to believe that it was forged by Saturninus in part at least to break down resistance to his own supremacy at Rome[1]. But on the other hand, men who claimed office on the strength of their *nobilitas* and then used the consequent command to fling Roman armies recklessly away were a menace whose gravity the last ten years had abundantly revealed. *Perduellio* was a charge ill-suited to their case, and it is by no means unlikely that failure was henceforward to be discouraged by the prospect of a more appropriate, and for that reason more dangerous, prosecution for *minuta maiestas*.

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[1] Asconius, p. 80 c.

[2] The statement of Livy, *Epit.* 67, on this point is probably misplaced: see F. Vonder Mühll, *De L. Appuleio Saturnino tribuno plebis*, p. 73, n. 3.

[3] Th. Mommsen, *History of Rome*, vol. III, p. 441 n.; cf. L. Lange, *Römische Alterthümer*, vol. III², pp. 70 and 82.

[4] If H. Stuart Jones is right in regarding the Lex Latina Bantiae reperta

II. THE SENATE AND ITS ENEMIES AT ROME

In the creation of the Mamilian commission and in the election of Marius to the consulship in 108 B.C. the People had shown signs of alarming self-assertion; but even the most ardent admirer of the assemblies could scarcely urge that they were fit to conduct the daily business which campaigns abroad impose upon a government at home. The Senate alone could shoulder such a task, and, despite the incompetence of its chosen leaders in the field, the Jugurthine War, like all wars of the Republic, did something to maintain senatorial prestige. Marius' appointment was a criticism which admitted no reply; but in general, so long as their work was such as no other body could perform, the Fathers were left in peace. The lull in political strife allowed confidence to return, and in 106 B.C. the Senate revealed both its courage and its folly by a piece of legislation which in war-time must appear amazing. As if to mark their defiance of the 'new men' and the class from which they came, the *nobiles* took advantage of the domestic peace to launch an attack on the most controversial of all the Gracchan laws. Thereby was let loose a storm of opposition which did not

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(Bruns, *Fontes*^{7}, 9) as a fragment of the Lex Appuleia de maiestate (*J.R.S.* XVI, 1926, p. 171), it would be virtually certain that a new *iudicium publicum* was created by this measure.

[1] See F. W. Robinson, *Marius, Saturninus und Glaucia*, p. 65 *sq*.

abate till eight years had passed. Q. Servilius Caepio, one of the consuls, found time before his departure for Gaul to introduce a bill which changed the constitution of juries in certain criminal trials. Though our information is lamentably defective and does not explain what courts were now concerned, if it is right to see in the Lex Servilia Glauciae de rebus repetundis a repeal of Caepio's work (p. 163), it follows that, whatever other *iudicia publica* may have existed at this time, it was to the *quaestio repetundarum*, the subject of the Gracchan Lex Acilia, that Caepio confined his attention. There is doubt again about the nature of the change now introduced. According to the Livian tradition[1], senators and 'equites' were to sit side by side on juries, though in what proportions we are not told: but Tacitus[2] has a rival version, that 'the courts were given back to the Senate,' and this account is perhaps made the more probable by Cicero's suggestion that senators and 'equites Romani' were never found together on a jury before the Lex Plautia of 89 B.C.[3] But, whatever its provisions, the ancient authorities contain no hint that the bill of Caepio failed to pass. Its passage had even been sped by the oratory of Crassus[4]; but at this stage of his career he could no longer speak for the commercial class, and when Caepio went off to Gaul he left behind him a political situation in which the bitterness of the Gracchan age had been reborn.

The Senate did not long enjoy its triumph. Towards the end of 105 B.C. the return of Caepio in disgrace offered an easy victim to the opposition; but the demand for reprisals against him and the other authors of disaster was not the only sign seen in 104 B.C. that senatorial influence was on the wane. It was probably in this year that the offensive judiciary law was repealed. C. Servilius Glaucia, the associate of Saturninus, is recorded to have passed a *lex de rebus repetundis* which, among other minor modifications, is said to have introduced procedure by *comperendinatio*[5] and to have authorized the prosecution of those who received money wrongfully extorted, even if they had not themselves been accessory to the act[6]. Such is the meagre scope often assigned to this measure, which Mommsen proposed to place in 111 B.C.[7] This account, however, is by no means satisfactory. Though it may be believed that the law was enacted by Glaucia as tribune, the arguments whereby it is proposed to fix his tribunate in 111 B.C. rest on so many hypotheses as to be wholly inconclusive: moreover, such a chronology deprives the act of its undoubted significance. If it had merely introduced some changes in procedure, Cicero could scarcely have said that Glaucia 'equestrem ordinem beneficio legis devinxerat.[1]' The only evidence of value for the date of Glaucia's tribunate is to be found in an obscure passage of Appian[2] which, when interpreted in the only intelligible way, reveals that it fell in a year immediately before one of the tribunates of Saturninus—that is in 104 B.C. or 101 B.C.[3] In either case, the Lex Servilia Caepionis had already been passed, and the way is open to the conclusion that the service whereby Glaucia won the goodwill of the 'equites' was the restoration of the privileges which Caepio had removed. The precise date is unimportant. The words of Appian as they stand favour the second possibility; but their obscurity shows that he was not clear about the meaning of his authority, and the brief validity which the arrangements of Caepio seem to have enjoyed would rather suggest that the tribunate of Glaucia, and with it the *lex de rebus repetundis*, belongs to 104 B.C.

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[1] Preserved by Julius Obsequens 41 (101) and Cassiodorus, *Chron.* in *Mon. Germ. Hist.*, Auctt. antiquiss. xi, p. 132.

[2] *Ann.* xii, 60, 4.

[3] *Ap.* Ascon. p. 79 c. The present writer may be allowed, however, to say that he does not share the prevailing confidence with which conclusions are drawn from this passage.

[4] Cicero, *Brutus*, 43, 161–44, 164.

[5] Cicero, II *in Verr.* 1, 9, 26.

[6] Cicero, *pro Rab. Post.* 4, 8 *sq.*

[7] *Ges. Schriften*, I, p. 22.

Thus the Senate paid for its folly of two years before. But this was not all: the opposition had now taken the offensive, and Cn. Domitius, a second tribune of 104 B.C., found time amid his occupations in the courts to challenge the oligarchs at another point. Hitherto the religious machinery of the State had been left to their unfettered management, but even this was now to be brought under some sort of popular control. A vacancy in the augural college caused by the death of Domitius' father[4] filled the son with ambition to secure the place for himself; but the appointment was made by the usual co-optation, and the claims of Domitius were passed over in favour of another. The immediate responsibility for this was laid at the door of M. Aemilius Scaurus, who accordingly found himself arraigned on a frivolous charge (p. 160). But Domitius was out for more than personal revenge. The Lex Domitia de sacerdotiis extended to the whole of the great priestly colleges a practice, hitherto only known in the choice of the Pontifex Maximus, which in effect amounted to election by the People. When an appointment was to be made, the names of candidates were submitted to a unique assembly composed of seventeen tribes chosen by lot out of the whole thirty-five. Deference to the traditions of the past still preserved the forms of co-optation. The popular vote in theory was not final; but when the People's choice was presented for admission to office by the ancient procedure, the College could do nought but acquiesce. Little as the State religion had by this time come to mean, there can be no doubt of the importance set upon the Lex Domitia: within a few years of its passage, when Metellus Delmaticus died, Domitius was made Pontifex Maximus in his stead, and the measure itself was one which Sulla found it worth while to repeal and Caesar, in 63 B.C., to re-enact (p. 487).

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[1] *Brutus*, 62, 224.

[2] *Bell. Civ.* I, 28, 127.

[3] See G. Niccolini in *Historia*, IV, 1930, pp. 44–7, and the authorities there cited.

[4] Suet. *Nero*, 2, 1.

III. THE TRIBUNATES OF SATURNINUS

If the year 104 B.C. saw other incidents of note, only one at most is recorded. Possibly at this time L. Marcius Philippus, a tribune destined for a remarkable career, proposed an agrarian law. Its object is unknown, though—if this be its date—we may conjecture that its benefits were meant at least in part for such veterans from Africa as were not transferred to Gaul: and, as it was withdrawn before the voting, it would not deserve mention at all had it not been in connection with this bill that Philippus made his memorable assertion that there were not two thousand men of real wealth in the State[1]. In the following year, however, the political struggle grew more violent. Hitherto the resentment against the Senate unloosed by the judiciary law of 106 B.C. had found expression in the Lex Servilia Glauciae—if this belongs to 104 B.C., in a few prosecutions, and in an isolated attack on the prerogatives of the nobility in the priesthood. Now, the opposition developed something like a consistent legislative programme, and the means whereby it was to be pressed indubitably found their inspiration in the Gracchi. The threat to the Senate seemed grave; for behind the tribunes there was soon to stand an ally such as the Gracchi had never known. When Marius led back the legions from Vercellae, his instincts were against the Senate; and had he thrown his weight on the side of its enemies, for all that men could tell his power might have made them irresistible. But in the end the government emerged victorious, thanks less to its own virtues than to the vices of its opponents. The failure of the opposition must be ascribed in the first place to the lack of ideals among its leaders. Though they courted the class from which the Gracchan *iudices* were drawn, they proved so reckless in their methods and so barren of salutary reforms that responsible opinion set against them, until finally their fate was sealed by the desertion of Marius himself.

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[1] Cicero, *de off.* II, 21, 73.

L. Appuleius Saturninus came of praetorian stock. He had some small pretensions as an orator, and his character was not above reproach; but nothing marked him for his later notoriety until, in some year which cannot now be ascertained, he gained the quaestorship and received Ostia as his province, with the business of superintending the passage of the corn-supplies to Rome. During his period of control there came a shortage, and—though Diodorus[1] is scarcely fair in saddling Saturninus with the blame—when prices rose, the Senate removed him from his post and transferred his duties for the time being to M. Scaurus, the Princeps Senatus, whose presence at Ostia would ensure that, when prices became normal again, the credit would accrue to the nobility. The result of this treatment was to fill Saturninus with a bitter hatred of the government: he became a *popularis*[2]: and, when he entered the first of his tribunates on 10 December 104 B.C., the time to pay off old scores had arrived.

Saturninus was tribune for the second time in 100 B.C., and our authorities are so lamentably unsuccessful in their attempts to distinguish his two periods of office that any attempt to reconstruct the course of his legislation must be even more tentative than in the case of Gaius Gracchus. Like Gracchus, Saturninus seems to have begun with a *lex frumentaria*, though, if our only information is correct about the suggested price, this measure had little in common with its model[3]. According to the treatise *ad Herennium*[4], corn was to be sold at five-sixths of an *as*, which meant, if this was the charge for a *modius*, that the cost to purchasers was reduced to little more than one-eighth of that established by the law of 123 B.C.[5] The introduction of this bill provoked instant opposition.

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[1] XXXVI, 12.

[2] Cicero, *de har. resp.* 20, 43.

[3] The reasons which lead the present writer to place this measure in the first tribunate are (i) its obvious connection with the incidents of Saturninus' quaestorship; (ii) the probability that Saturninus was consciously following the course of Gaius Gracchus; and, most important, (iii) the virtual impossibility of putting the quaestorship of Q. Caepio (see *B.M.C. Rep.* I, p. 170 and III, plate XXIX, 12), who was in office when the *lex frumentaria* was proposed, in 100 B.C. (see F. W. Robinson, *Marius, Saturninus und Glaucia*, p. 63 *sq.*).

[4] I, 12, 21.

[5] It is, however, by no means impossible that in *ad Herennium* (*loc. cit.*) we should read 'senis et trientibus' for 'semissibus et trientibus': in that case Saturninus would merely have re-introduced the Gracchan arrangement,

The old complaints about the burden on the Treasury were heard again; the Senate solemnly recorded its opinion that to proceed with the measure would be against the interests of the State; and rival tribunes, as usual, were found to interpose their veto. When Saturninus ignored the obstruction of his colleagues, an enterprising quaestor, Q. Servilius Caepio, broke up the Concilium Plebis by force; and it is by no means certain that the bill was ever passed. Whatever its immediate effect may have been, the intervention of Caepio was such as to provoke reprisals: he was subsequently prosecuted for *maiestas minuta*, and we may well believe that against him, among others, the Lex Appuleia de maiestate was aimed (p. 161).

Having made his bid for popular support, Saturninus completed the work of his first tribunate, so far as it is known to us, by courting the goodwill of Marius. Besides lending help to the campaign which won Marius his fourth consulship (p. 147), Saturninus took it upon himself to provide pensions for the veterans of the Jugurthine War. By a measure which is definitely assigned to 103 B.C.[1] and which is also more appropriate then than later, generous allotments in Africa, each of a hundred *iugera*, were offered to troops on their discharge. At first the bill was blocked by the inevitable veto; but the hostile tribune was soon stoned off the field and the proposal in the end became law. Such is the suggestion of our one authority, and confirmation may perhaps be found in the existence of certain townships in the hill country south of the River Bagradas which so late as the third century A.D. bore 'Mariana' among their titles[2].

For all its limitations, the legislative achievement of 103 B.C. is not to be ignored. Saturninus had laid the foundations of a personal ascendancy, which he and his friends might use for good or ill. After the corn-bill had been launched, even if it proved abortive, the masses must have hailed its author as a disciple of the Gracchi: the African land law revealed a champion of the ex-service man: and the establishment of a *quaestio maiestatis* put a new and formidable weapon into the hands of those who were strong enough to use it. Saturninus, indeed, appeared to be recalling the Gracchan age with such success that an obscure adventurer, one L. Equitius, thought it worth while to proclaim himself a son of Tiberius. The

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which had been suspended at some time after its author's death (see above, p. 95).

[1] *de viris ill.* 73, 1.

[2] Dessau 1334, 9405 (Uchi Maius) and 6790 (Thibari). For a suggestion that the colonists of these places were not Italians, see S. Gsell, *Histoire ancienne de l'Afrique du Nord*, vol. VII, pp. 10 and 263 *sq.*

man was a native of Firmum, but on his status the authorities are divided: one says that he was a freedman, others a runaway slave. His reception was naturally cool. The Senate could scarcely be enthusiastic, and a Gracchus, had his parentage been proved, might well have ousted Saturninus himself from the first place in the popular affections. But, to the general relief, Sempronia, sister of the tribunes and widow of Scipio Aemilianus, when brought on to the Rostra resolutely refused to recognize the impostor. After the danger of a rival had thus been removed, Saturninus turned the fellow to account. In spite of the family repudiation, he still retained credit enough with the masses to make his adhesion an asset to the cause; and if his appearance is rightly placed in 103 B.C.[1], for three years he played his humble part until in 100 he was elected to the tribunate and killed on his first day of office.

The year 102 B.C. opened with quieter promise. Saturninus and Glaucia were both *privati*, and the centre of the stage was yielded to leaders of the other side. Men might have hoped that domestic strife would cease until the crisis in Gaul had passed; but a new struggle was suddenly provoked by the most staid and dignified of all Roman institutions. When censors were due to be appointed, the choice of the Centuries fell on two Metelli—Numidicus and his cousin Caprarius. Worthier men could scarcely be conceived, and the *lustrum* might have been closed without mishap had not Numidicus allowed principle to override discretion. Feeling ran high when he refused to recognize the false Gracchus as a citizen, but his determination to remove Glaucia and Saturninus from the Senate came near to causing a disaster. He was assailed by the mob, and from his refuge on the Capitol he was only rescued after something like a battle. Fortunately Caprarius kept his head: he set his face against the misguided vigour of his cousin and, by withholding his consent to their removal, preserved the demagogues their status. The significance of this is plain: by rescinding the Lex Servilia Caepionis and by the legislation of 103 B.C. they had acquired a following which the Senate was not strong enough to flout. Such was the situation for which the Optimates had to thank their own imprudence in meddling with the Gracchan constitution of the *quaestio repetundarum*.

If the menace could not be met by force, it must be left alone in the hope that its leaders would work their own destruction. This in the end they did, though not before the movement had attained still more dangerous proportions. For the present the demagogues held their hands, but after Vercellae they took the field again, with Marius now their open ally. First, however, Saturninus made a false move, which came near to proving fatal. In 101 B.C. there arrived in Rome an embassy from Mithridates Eupator, bringing with it, according to report, a large sum of money wherewith to bribe the Senate; and Saturninus for reasons of his own saw fit to assail the ambassadors in public with the most offensive abuse. Thereupon the strangers, not without encouragement from high quarters in Rome, made formal complaint: Saturninus was arraigned on a capital charge: and his conviction seemed certain till he invoked the faithful mob. Then, at a word from their favourite, his followers flocked in such numbers to the court that fear secured an unexpected acquittal, and the intended victim emerged unharmed, with his popularity increased by his recent peril.

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[1] *de viris ill.* 73, 3.

The movement now gathered strength. With Marius released from duties in the field, the year 100 B.C. was chosen for the final challenge to senatorial control. Marius himself was to be consul for the sixth time, Glaucia praetor, and Saturninus was to hold a second tribunate. With the help of a single murder—the victim was a rival of Saturninus—the elections were negotiated with success, and the concentration of the talents was achieved. But once they were in office, there came a change. The new masters were revealed as men of straw, without a policy, without ideals and not even at one among themselves. For all his faults, Marius was not a fool. Experience in war seems to have left him, like the younger Africanus, with small respect for the political wisdom of the masses, and willing as he might be, like a true *popularis*, to use the People for his own good purposes, he had sense enough to see that nothing but harm could come of handing over government to the arbitrament of a rabble, even if the rabble drew its strength from the veterans of his own armies.

The rupture came slowly: at first the coalition was held together by common interest in schemes to distribute land—schemes which Marius needed for his soldiers and which would also serve the ends of Glaucia and Saturninus by earning favour with the proletariate of Rome. From the scanty evidence of our authorities it appears that measures were introduced for the grant of allotments in Gaul[1] and the foundation of colonies in various parts of the Empire, among which Sicily, Achaea and Macedonia are named[1]. The plans for settlements in Gaul came to nothing; but of the colonial policy there is more to be said. Though Cicero records that the colonies were never founded, he makes it clear that preparations were at least begun[2]. By the Lex Appuleia, Marius was empowered 'in singulas colonias ternos cives Romanos facere[3],' and we know that in a few cases at least he had exercised his rights. It is not their use, however, which matters so much as their implication. If the number given in this crucial passage is not corrupt, and if it is legitimate to assume that the power to nominate three members of each colony would have been of negligible value, 'cives Romanos facere' must mean more than this. In that case it follows that the *cives Romani* in these cities were to be a privileged class, that the communities as a whole were not to be *coloniae civium Romanorum* and, consequently, that they were almost certainly designed to hold the Latin right. To this conjecture another may be added. If the colonies were to receive the Latin status, it is most unlikely that their members were all to be drawn from the existing body of Roman citizens, and it may be surmised that they were to be recruited in part at least from allied communities as well[4]. In such a measure there was enough material for jealousy and to spare. Whatever benefits Saturninus may have intended for the city proletariate, it seems that the needs of the ex-service men were given such prominence as to raise violent antagonism among the self-seeking idlers of the Forum; and, in addition to the bad feeling within the Roman State, there was rivalry between Romans and Italians. As in the time of Gaius Gracchus, a suggestion of modest generosity to the allies who had fought for Rome roused the worst passions of the citizens themselves, and it is possible, too, that the Italians, on their side, were made anxious by the threat of a new search for land to be distributed in allotments. The agitation among the allies with which the government thought fit to deal in 95 B.C. may well have been due in some degree to the activities of Saturninus.

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[1] Appian, *Bell. Civ.* I, 29, 130. Though there can be no certainty that he has rightly understood his source, the words of Appian, interpreted in the light of his own usage elsewhere, suggest that these allotments were to be made in Transalpine, and not Cisalpine, Gaul. Possibly sites were to be found in the territory of the Volcae Tectosages.

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[1] *de viris ill.* 73, 5.

[2] Of the colonies actually recorded in this period there is nothing to prove that Dertona and Eporedia (Vell. Pat. I, 15, 5) owed their origin to the Lex Appuleia, and the date of the 'colonia Mariana' in Corsica (Pliny, *N.H.* III, 80) is unknown.

[3] *pro Balbo*, 21, 48.

[4] This view is not to be supported by the passage of Appian (*Bell. Civ.* I, 29, 132) which has often been used as evidence in its favour. The Ἰταλιῶται there are not Italian allies but Roman citizens of the country districts: see D. Kontchalovsky in *Rev. hist.* 153, 1926, pp. 173 *sqq.*

These, however, were not the only difficulties. Saturninus had incurred the bitter hostility of the Senate by inserting a *sanctio* in the bill, requiring every member of the House, under pain of exile and a fine, to swear an oath within five days of its enactment that he would abide by its provisions. When the day for voting arrived, recourse was had to the familiar methods of obstruction. Tribunes were found to intercede and unfavourable omens were announced; but with the aid of the faithful veterans, after a momentary success, the enemy were chased off the field and a farcical pretence of voting made the measure a law of the Roman People. It was now the business of Marius to ask the Fathers for their oaths. At the first meeting Metellus Numidicus declared his determination to refuse, and such was the support he secured that the sitting broke up with nothing done. But later, when four of the five days had gone, the House was convened again and Marius suggested a course which revealed his attitude towards his friends. He proposed to take the statutory oath subject to the validity of the law, and at the same time he encouraged the senators to reflect that, once the mob had gone back to its homes, there would be no difficulty in proving that a measure passed by violence and in face of hostile auspices must be set aside. With this reservation Marius then swore his oath, and his example was followed by the rest, with the solitary exception of Numidicus, who soon retired to exile.

Political incompetence had wasted so much time in securing this miserable achievement that no more could be done before the elections for the next year fell due. Saturninus managed to get himself returned as tribune for the third time, with the 'false Gracchus' as his colleague; but the consulships were more difficult to secure. Though M. Antonius had claims for one place which could not be overlooked, the other remained open. For this, in flat defiance of the Lex Villia annalis since he was praetor at the time, Glaucia became a candidate, and after he had secured the murder of his most serious rival his election seemed not improbable. By now, however, the experience of the Senate and the folly of its opponents had begun to tell. Responsible opinion had been alienated by the outrageous violence of the new régime, and its appeal to force had been cleverly countered when the Senate turned to its own uses the resentment felt by the city mob at the political activities of the veterans from the countryside. It happened that the victim of the assassination was C. Memmius, the man who by his denunciations of corruption as tribune-designate in 112 B.C. had given earliest voice to that demand for vigour in the Jugurthine campaign which had led in the end to the appointment of Marius. Memmius was no friend of the Senate. His criticisms as tribune had been continued by opposition to the Lex Servilia Caepionis in 106 B.C.; but, even if his sympathies lay with the financial class, he was a serious politician who had done service to the State and had never stooped to hooliganism of the kind which caused his death. His murder was the signal for drastic action. Before Glaucia could summon his gangs in strength, he found himself besieged on the Capitoline Hill with Saturninus and another ruffian named Saufeius, who was quaestor. The Senate then passed its formidable *s.c. de re publica defendenda*; Marius was instructed to restore order, which meant that he must arrest his quondam friends; and, after the water-supply had been cut, the whole party surrendered. Their lives were now in the gravest danger; for the mob was athirst for blood. In hopes of frustrating the threatened lynching Marius locked up his prisoners in the Senate House, but on 10 December, the day when new tribunes entered office, a band of stalwarts climbed the roof and, tearing off the tiles, pelted the crowd beneath to death. Among the assailants was a young man named C. Rabirius, who thirty-seven years afterwards was to be charged with *perduellio* for his part in this affair (see below, p. 489).

When once the leaders were dead, their following was impotent, and it seems that the offensive legislation was forthwith declared invalid. Thus, after violence had destroyed its authors, Rome at length emerged into a period of uneasy peace when it was time to reflect on the meaning of what had passed. Glaucia and Saturninus were little men. To the political experience of Rome they brought nothing of their own save perhaps the use of unbridled violence and an utter disregard of law—a contribution which, to the credit of their contemporaries, repelled the sympathies of almost every class. Nevertheless, though their littleness may serve as a reminder of the full stature of Gaius Gracchus, it is to a legacy from the Gracchi that the worst features of their domination must be ascribed. Materialism of aim and violence in its pursuit were the inevitable outcome of a system which allowed unfettered liberty of legislation to a body of voters such as the Concilium Plebis: and this was the system which, though they knew not what they did, it had been the most sinister achievement of the Gracchi to explore (see above, pp. 90 *sqq.*).

Yet, despite its dangers, the episode gave certain grounds for hope. Demagogy unleavened by ideals had been countered with success, and—what was more important—the military triumphs of Marius had failed to compensate for his total lack of political ability. Mistrusted by the Senate and despised by his former friends, the man who had been five times consul by the age of fifty-six stood helpless in utter isolation. In 98 B.C., after a feeble protest against the recall of Numidicus, he retired to Asia and temporary oblivion. This elimination of Marius was an encouraging surprise. The professional armies first formally recruited in 108 B.C. were a menace to free government of the utmost gravity—and a menace which was to cause the fall of the Republic; but the failure of Marius showed that there were limitations to the power of the troops. In the past Rome had been no stranger to soldiers who were statesmen as well; and, when such appeared again, they would find in the fidelity of long-service armies an asset of immeasurable value. What Marius' fate revealed was that even now no claim to supremacy at home could rest on military gifts alone, without the support of some political sagacity: it was left for the Thracian Maximinus, after more than three hundred years, to be the first mere soldier raised to supremacy by his men.

IV. THE SENATORIAL RECOVERY

With the departure of Marius, the tide ran fast in favour of the Senate. Metellus Numidicus returned in triumph, and soon the survivors of the vanquished party were called on for the usual settling of accounts. P. Furius, a political adventurer, who as tribune had dared to oppose Numidicus' recall, was put on trial, but before he could be condemned the mob had torn him limb from limb: C. Appuleius Decianus was found guilty on some charge because he had rashly lamented the manner of Saturninus' end: Sextus Titius, who as tribune in 99 B.C. had tried to revive the agrarian scheme[1], was condemned, partly at least because he kept a bust of Saturninus in his house: and to this period we should probably assign the celebrated prosecution of C. Norbanus, who as tribune in 104 B.C. had played a leading part in the attack on Q. Caepio for the scandal of the 'aurum Tolosae.' Their common sufferings at the hands of Saturninus and Glaucia had by now so far healed the breach between the Senate and its rivals in the courts that Norbanus was arraigned in the *quaestio maiestatis*. His character commanded small respect, and it is possible that he had compromised himself by association with Saturninus; but, whatever the precise reason for their hope, it is significant that the nobility conceived it possible that a court of Gracchan *iudices* might convict the enemy of their own detested foe. The prosecution was led by a young aristocrat of high promise, P. Sulpicius Rufus; the defence by M. Antonius himself, under whom Norbanus had once served as quaestor. After an outstanding performance by Antonius, which Cicero describes at length[1], the trial ended in acquittal; but that it should ever have been begun is a sufficient sign of the extent to which all decent citizens had been united by the experience of 100 B.C.

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[1] Julius Obsequens, 46 (106); Val. Max. VIII, 1, *Damn.* 3. If the law of Titius was passed, it must have been immediately repealed.

When old scores had thus been paid, Rome enjoyed a period of unwonted peace. Abroad there were none but minor campaigns in Spain (p. 319), and at home the Concordia Ordinum bid fair to last. For a time the State came near to the felicity of those who have no history. The consuls of 98 B.C.—T. Didius, a 'new man,' and Q. Caecilius Metellus Nepos, a son of Balearicus—passed a small but salutary piece of legislation. To improve the chances of a doubtful measure by uniting it with another of more compelling appeal is a familiar political manœuvre; and a no less obvious recourse for the demagogue in fear of opposition is to rush a bill through all its stages without leaving that interval before the final vote which, in days when news travelled slow, was peculiarly valuable to an assembly whose members were widely scattered. Though it is scarcely more, there is a strong suspicion that both these tricks had been played by Saturninus; and by the Lex Caecilia Didia both were made illegal. 'Tacking'—the inclusion of unconnected proposals in a single bill—was forbidden[2], and the customary *promulgatio* followed by an interval of three *nundinae* was made obligatory before a measure could be submitted to the vote. Henceforward there was to be no doubt that the perfunctory procedure of demagogues in a hurry did not produce valid law. In the following year, when L. Valerius Flaccus and M. Antonius were censors, another small advance was made, this time in a different direction. The Senate passed a decree against human sacrifice—an alien custom which sixteen years earlier had come near to winning the approval of the State (see above, p. 97) and which, in spite of all attempts at its suppression, lingered long in Rome[3].

But, if Rome was exclusive in her religion, she was more catholic in her culture. When the next censorship fell due in 92 B.C., the office was entrusted to L. Crassus, the orator, and Cn. Domitius Ahenobarbus, the tribune of 104 B.C., who now was Pontifex Maximus. The liberal tastes of Crassus did not find favour with the grim austerity of his colleague, and the dissensions which ended in their abdication became the theme of many stories. But on one point they agreed. In spite of their suppression seventy years before[1], teachers of rhetoric had begun to show their heads again, and among them there now appeared men of a new type, who confined their instruction to Latin. In earlier days the prejudice had been against Greeks; now, however, though the case was probably affected by personal considerations[2], the Latin teachers were chosen for attack. Of the Greek rhetoricians it could at least be said that, whatever their faults, they taught something more than how to move a mob; for Greece had a literature worthy of the name, which Rome so far had not, and Crassus, who had trained his own gifts by laboriously translating the masterpieces of Greek oratory, may well have seen no good in schools for demagogues[3]. So the censors by edict condemned the Latin rhetoricians[4], and the Roman youth, when it learnt the art of public speaking, was encouraged to seek help in the legacy of Greece.

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[1] *de orat.* II, 48, 199–50, 203.

[2] That this prohibition was not altogether new is proved by Bruns, *Fontes*^{7}, 10, l. 71.

[3] Pliny, *N.H.* XXVIII, 12.

Amid such trivialities as these, two incidents of profounder significance stand out. A quarter of a century had passed since the fall of Gaius Gracchus had frustrated the hopes of those who, by open-handed generosity toward the Italian allies, would have anticipated the concessions wrung out of Rome by the Social War. During the years of anxiety which followed, the grievance was not pressed. So long as Rome was engaged with Jugurtha and the Germans, the allies held their hand; for it had never been their custom to turn the difficulties of Rome to their own advantage, and it may be suspected that, when troubles abroad gave immediate value to Italian help, the Roman magistrates refrained from the worst extremes of tactlessness. When at length the fighting was done, it was the aggressive jealousy of Rome, rather than the insistence of the Italians on redress, which led in ten years to the outbreak of intestine war. As early as 100 B.C., when Italians were to share with Roman citizens in the benefits of the colonial foundations, the signs of protest had been discerned, and resentment at liberality to the allies seems to have combined with dislike of Roman veterans from the country to lose Saturninus the support of the city mob. In 95 B.C. the allies suffered a severer blow. Five years earlier they might have reflected that the considered judgment of the Roman People was not necessarily to be heard in the selfish clamours of the Concilium Plebis; but now by the action of the consuls, taken with the Senate's full assent, the fear that the masses spoke the mind of Rome was confirmed beyond dispute. During the recent troubles Latins and Italians had flocked in large numbers to Rome, where for two reasons their presence was unwelcome. By public demonstrations, like those of the Gracchan age (p. 80), they could subject the Concilium Plebis to a pressure which, puny as it might be, was resented as an alien interference with the affairs of Rome; and by bold assumption of the part, if not by false declarations to the censors, they might even gain the effective benefits of that *civitas* which Rome was determined to withhold. The consuls Crassus and Scaevola accordingly enacted what was to become the most famous of all the expulsions of aliens from Rome. Though we may assume that exemption was allowed to such as could justify their visit, the generality of Latins and Italians to be found in the city were removed[1]. And this was not all. The many who without legal right were passing as Roman citizens[2], if on challenge they still maintained their claims, were subjected to an examination of such severity that false pretences can rarely have escaped detection[3]. Such was the measure whereby the consuls of 95 B.C. not merely embittered the minds of the Italians but, if Asconius is to be believed[4], precipitated the Social War. The Lex Licinia Mucia, though it was the work of honest and able men, was an astounding blunder[5]. It declared in solemn and authoritative form the adamant exclusiveness of Rome, and it did so at a time when the patience of the allies was near its end. The warnings of Gaius Gracchus were forgotten. By a blindness which it is difficult to conceive the loyalty of Italy during the Jugurthine and Germanic Wars was mistaken for acquiescence in the existing order: and two of her most distinguished public men came near to losing Rome her imperial position. Henceforward the question of the allies was a burning issue.

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[1] Gellius, *N.A.* xv, 11, 1.

[2] See A. Gwynn, *Roman Education from Cicero to Quintilian*, pp. 60 *sqq.*

[3] Cicero, *de orat.* III, 24, 93–95.

[4] Gellius, *ib.* 2; Suet. *de rhet.* 1.

Three years later the Concordia Ordinum collapsed. As praetor in 98 B.C. Scaevola had been given the command of Asia, and as his *legatus* in that responsible position he had chosen P. Rutilius Rufus, the consul of 105 B.C., a man whose character and ideals were as noble as his own. Both Scaevola and Rutilius belonged to that estimable class which, largely because of its familiarity with the culture of Greece, did much to develop the Civil Law during the last century of the Republic. On this score Rutilius, in particular, was long remembered. His is the first name to occur in the recorded history of the Edict, and his innovations are worthy both of his own reputation and of his master Panaetius (p. 850). The administration of this pair in the East gave the provincials an unusual experience of honest government—an experience so rare that the memory of Scaevola was afterwards kept green by festivals founded in his honour[1]. By chance it befell that with this happy time Rutilius was connected almost as closely as Scaevola himself; for after nine months the proconsul left the province[2] and Rutilius was in charge until the arrival of a successor. This accident subsequently cost him dear. Traders and tax-gatherers bided their time: five years passed before they struck. Scaevola, with the prestige of exalted birth and the authority of a Pontifex Maximus, promised to be no easy victim: Rutilius, a 'new man,' might prove a simpler prey. So in 92 B.C. Rutilius was accused of illegal exaction by one Apicius. Disdaining the help of the great orators of the day and allowing none to speak on his behalf save C. Cotta, his nephew, Rutilius defended himself in Socratic style: conscious of his honesty, he proudly refused an apology for his conduct and, instead, bewailed the misfortunes of the State. But evidence and speeches were a formality: the jurors were determined to teach the Senate that its members could not safely thwart the financiers' quest for wealth; and the influence of Marius, slight but malign, backed up the scheme to deal the Senate a blow. So Rutilius was condemned; and when his property proved too small to make restitution of what had never come into his hands, he retired to Smyrna and lived as an honoured guest among the grateful victims of his alleged rapacity.

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[1] Schol. Bob. *ap.* Stangl, II, p. 129.

[2] Cicero, *de off.* III, 11, 47; Asconius, p. 68 c.

[3] Cicero, *pro Balbo*, 21, 48. [4] p. 68 c. [5] Cicero *ap.* Ascon. p. 67 c.

Though an attempt to follow up this success by an attack on M. Scaurus, the Princeps Senatus, seems to have led to no definite result, the outcome of the trial of Rutilius was no ordinary scandal. By it men might know what provinces meant to a powerful section of society at Rome, whose growing influence on policy had more than once appeared. The knowledge was not encouraging. If Rome was to become worthy of her mission, there must be a change of heart which could not be wrought in a day. It was left for Augustus to create a government which recognized the duties of an imperial power. But there was another aspect of the affair which called for more immediate action. The verdict was not only a declaration of war on the Senate by the class from which Gaius Gracchus had drawn his jurors: it was a condemnation of that class itself. Corrupt the senatorial jurors of earlier days may have been; but their successors appeared to be worse. Though scandals had not been numerous, the case of Rutilius by itself was enough. The experiment of the Lex Acilia had failed, and there was need for reform forthwith, if provincial administration was not to become a farce.

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[1] *I.G.R.R.* IV, 188; Ps.-Asconius, *ap.* Stangl, II, p. 202.

[2] Cicero, *ad Att.* V, 17, 5.

V. THE TRIBUNATE OF M. LIVIUS DRUSUS THE YOUNGER

Rome was still stirred by the outcome of this trial when, on 10 December 92, M. Livius Drusus entered on his tribunate. Drusus, the son of Gaius Gracchus' rival, came of a distinguished stock whose lustre he increased by the adoption of a child destined to be the father-in-law of Augustus. His aims were lofty, his character above reproach, and though some might call him a moral snob, he was on terms of intimacy with the most enlightened members of his generation. Special mention is made of his friendship with P. Sulpicius Rufus and C. Cotta, and among his seniors he won the goodwill of the orator Crassus and of Scaurus, the Princeps Senatus. Like Tiberius Gracchus, Drusus did not fail for lack of sound advice; yet, in spite of all the wisdom which the Senate placed at his disposal, his policy owed its greatest debt to the example of Gaius Gracchus. So much, at least, is plain; but the lamentable defects of our authorities for his career leave some of the most vital problems obscure and do not even allow a confident conclusion about the order in which he addressed his many tasks. For a year to which Livy devoted more than a whole book we are dependent on casual notices which together would not fill more than a few pages, and even of these the earlier and more trustworthy, like those of Cicero, are often deprived of value because they assume familiarity with the facts.

For a man with the outlook of a Drusus the urgent issues of the day were two. After the fate of Rutilius no decent citizen could be satisfied with the way in which the *quaestio repetundarum* was using its powers: after the history of the last forty years, with its lesson driven home by the events which produced the Lex Licinia Mucia of 95 B.C., no Roman of intelligence could fail to see, however little the prospect may have pleased, that the claims of the Italians could no longer be ignored. To remove the grievances of the allies by a drastic change in the relations between Rome and the rest of Italy was now the supreme duty of Roman statesmanship, and there need be no doubt that Appian[1] is right in his suggestion that this was the object which from the beginning Drusus set out to reach. But, though the events of this crowded tribunate must have followed one another in rapid succession, Appian finds less support in the other authorities when he arranges his account in a way which, to a superficial reading at least, implies that a measure to extend the franchise was launched early in the year. Probability, as well as the weight of evidence, is on the side of Velleius[2] when he lets it be understood that proposals for the benefit of the Italians were only broached in public after other projects had been long enough under discussion for their fate, if not to be decided, at least to have been put beyond all reasonable doubt. Cicero[3] is emphatic that Drusus began his tribunician career as a champion of the Senate, and this clue, confirmed by other evidence, is authority enough for the conclusion that the first memorable reform which he essayed was one affecting that institution with which the Senate was now most acutely concerned—the *quaestio repetundarum*.

But to say so much is not to deny that this proposal was accompanied by others. If Drusus was to establish his political authority, it was essential for him to secure the goodwill of the masses, whose interest in the struggle for control of the courts was mild at the most. There is every likelihood that at the outset he sought, in the true Gracchan style, to attract a solid body of support by schemes of a charitable kind. He was the author of a bill *de coloniis deducendis*, the purpose of which almost certainly was to complete the schemes of settlement once sponsored by his father[4] (p. 72), and besides this there were a Lex Livia and a Lex Saufeia, both apparently designed to authorize the distribution of land in allotments to individuals[5]. Finally came the inevitable appeal to the stomach in new arrangements for the public *frumentationes*[6]. Though their details are unrecorded, all these measures seem to have been passed: of the colonial bill alone this is not positively asserted. Such sudden generosity seems to have produced its natural result in a crisis at the Treasury: there was a lack of ready money, which Drusus sought to meet by a dangerous device. He debased the silver coinage, probably by striking one *denarius* in every eight of silver-plated bronze[1]—a step which, with others, was to lead before long to disastrous confusion (p. 266). Nevertheless, the programme as a whole won a passing popularity for its author[2], and Drusus might hope to count on a majority in the Concilium Plebis when he came forward with a contentious project which had no bearing on the interests of the ordinary voter.

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[1] *Bell. Civ.* I, 35, 155.

[2] II, 14, I.

[3] *de orat.* I, 7, 24; cf. *pro Milone*, 7, 16.

[4] Appian, *Bell. Civ.* I, 35, 156.

[5] Dessau 49. The commission appointed to apply the Lex Livia agraria has perhaps left a record of its constitution (*C.I.L.* X, 44 and *add.* III, p. 1003): if C. Cichorius (*Römische Studien*, pp. 116 *sqq.*) is right in his interpretation of this text, it shows a distinguished board with the orator Crassus as its outstanding member.

[6] Livy, *Epit.* 71.

The measure whereby Drusus sought to mitigate the scandal of the *quaestio repetundarum* is described by our authorities in terms which are completely contradictory. According to Velleius[3], its aim was simply to substitute senators for the Gracchan *iudices*. Appian[4], on the other hand, qualifies this version with the suggestion that the Senate which would now supply the jurors was to be the existing body of three hundred, or thereabouts, enlarged by the addition of as many new members drawn from the wealthy business class: this account of the reform makes it in essentials the same as the first judiciary proposal ascribed to Gaius Gracchus (p. 70). Finally, there is the Livian tradition[5], which envisages mixed juries and differs from the story told by Appian in implying that, though senators were now to have a place, those jurors who represented the commercial interests were still to remain outside the Senate. A decision between these rival possibilities can be made with the help of evidence supplied by Cicero and Appian on a cognate matter. It has been seen already that judicial corruption was an offence governed by a law which Gaius Gracchus had passed in the days before he envisaged the drastic reconstitution of the *quaestio repetundarum* enacted by the Lex Acilia (p. 53 *sq.*). The measure seems to have applied to senators alone; and, when senators were ousted from the juries, the *Gracchani iudices* who succeeded them claimed immunity from its provisions. This monstrous anomaly Cicero[6] and Appian[7] agree in saying that

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[1] Pliny, *N.H.* xxxiii, 46. It has been suggested by H. Mattingly (*Num. Chron.* Series v, vol. iv, 1924, p. 46) that this notice may refer to the tribune of 123/2 B.C.

[2] Pliny, *N.H.* xxv, 52.

[3] ii, 13, 2.

[4] *Bell. Civ.* i, 35, 158.

[5] Livy, *Epit.* 71.

[6] *pro Rab. Post.* 7, 16. The theory of Mommsen (*Staatsrecht*, iii, p. 532, n. 1) that this passage describes nothing more than the establishment of a court to investigate cases of corruption among *Gracchani iudices* in the past would seem to the present writer most improbable, even if Mommsen's insistence on the reading 'iudicatam' were justified. Livius Drusus was certainly in no position to indulge in measures of mere vindictiveness.

[7] *Bell. Civ.* i, 35, 158 and 161.

Drusus sought to end, and their words strongly imply that this end was to be attained by fresh legislation. Since the old Lex Sempronia was still in force and ready for application to any senators who might find themselves serving in the courts, it follows that the jurors at whom the new act was aimed were not members of the Senate; and therein is to be found confirmation of the Livian account that juries henceforward were to be mixed. Whether, besides admitting senators to a share in the constitution of the courts, Drusus also proposed to enrol three hundred new members in the Senate, as Appian suggests, the evidence does not permit us to decide: but the readiness with which the Senate annulled the work of Drusus is certainly in favour of this assumption[1].

The reception of these proposals was of the kind which compromise has always to expect. While the class from which Gaius Gracchus had drawn his jurors was implacably opposed to a scheme which would deprive it of its unchallenged control of the courts and put an end to its precious privilege of receiving bribes with impunity, the concession to the Senate of a mere share in the composition of the juries was too meagre to fill that body with any abiding enthusiasm. Voices began to be raised in opposition. There was a quarrel between Drusus and his brother-in-law, Q. Servilius Caepio; and one of the consuls, L. Marcius Philippus, led a doughty resistance both in the Senate and outside. In the Forum there were scenes in which a Saturninus would have felt at home. On one occasion, when Philippus had tried to break up an assembly, Drusus set one of his clients on to the consul, who was so roughly handled that his nose began to bleed, greatly to his political advantage. On another, the unhappy Caepio, whose conduct became almost as violent as that of Drusus, was threatened with death by the Tarpeian Rock. In the Senate, too, feeling ran high, and reached its climax in September[2]. The circumstances are obscure; but it was possibly because the Fathers had shown a less drastic resistance to Drusus than he desired that Philippus solemnly announced in public that it was impossible for him to carry on the government with such a body of advisers. At a sitting of the Senate on 13 September Drusus warmly protested against such language, and Crassus excelled himself on the theme of a consul's obligations. After some bitter repartee, Crassus moved the House to record its firm conviction that its good faith and sound advice had never failed the State. But though he had rapped the knuckles of Philippus, he had failed to stem the growing distrust of Drusus among the Fathers. This was his last appearance in public life. A week later the great orator was dead, and when it lost the aid of its most powerful supporter the tribunician programme soon came to a standstill.

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[1] For this view see P. A. Seymour in *Eng. Hist. Rev.* XXIX, 1914, p. 422.

[2] Cicero, *de orat.* III, 1, 1–2, 6.

The work of Drusus was now seriously complicated by his pledges to the Roman allies. It is clear that he had long been deeply committed to an attempt at the solution of what was undoubtedly the most pressing problem of the day: indeed it seems that from the beginning of his tribunate large numbers of Italians had quartered themselves in Rome to agitate in favour of the man whose programme, if he kept his word, would culminate in a measure enuring to their advantage. One of the most prominent leaders of the Marsi, Q. Pompaedius Silo, actually lived for some days as the guest of Drusus in his house; but, though there is a wealth of evidence such as this to show the direction of the tribune's sympathies, there is no good reason to believe that he was the conscious centre of a widespread conspiracy[1]. At first Drusus had concealed his designs for an extension of the franchise, but the presence of so many Italians in the city was enough to rouse suspicion. As early as the time of the Feriae Latinae, which normally were held in April (though in this year there may conceivably have been a later celebration), Drusus had betrayed a strange familiarity with allied plans by warning Philippus of a plot to murder him during the festival on the Alban Mount. Before long suspicion hardened into firm belief, until Drusus was soon confronted with all the hatred regularly reserved for the authors of a liberal policy towards the Italians. But difficult as his position had been made by the leakage of his schemes, the need for a measure of enfranchisement had become more urgent through his own activities. Not only had he raised hopes to a pitch at which disappointment would be most dangerous, but his agrarian and colonial laws, which clearly demanded land for their effective application, had started the old fears among Italians whose estates might be alleged to include *ager publicus populi Romani*. Some of these people, particularly from Umbria and Etruria, even came to Rome to join in the protests of Philippus against the *lex agraria*, and of the rest it could be said that, if they lent their support to Drusus' programme as a whole, they only did so for the sake of the promised concessions to which in the end it was to lead. But, whatever bill for the benefit of the allies Drusus had in mind, it seems never to have reached the stage of promulgation. As his intentions grew clearer, public opinion set against the tribune with increasing strength until at length the Senate responded to the pressure of Philippus and struck.

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[1] The oath preserved in a fragment of Diodorus (xxxvii, 11) is a document of the most dubious value, probably produced during the series of vindictive trials which followed the outbreak of the Social War.

Like the preliminary measures on land-allotments, colonies and the *frumentationes*, the proposals for reform in the judicial administration had apparently been passed into law[1] when the Senate boldly declared the whole legislation of Drusus invalid. The reasons for this step are as obscure as its justification. The judiciary reform had doubtless disappointed senatorial hopes; and, if it involved the admission of new members to the House, it may well have roused active resentment. But this was not the only ground for complaint. At the outset, when he had passed as the Senate's man, Drusus had squandered the public resources on political bribery to such an extent that he could boast 'nemini se ad largiendum praeter caelum et caenum reliquisse'[2]; and in the later stages, on top of this reckless generosity, there had come an overbearing insolence which foretold the establishment of a *tyrannis* as odious as anything feared of Gaius Gracchus. Whatever its motives, the Senate swept the whole work of Drusus aside by a simple declaration that his laws did not bind the Roman People.

For this drastic step ingenuity could find plausible pretexts. The suggestion that Drusus had violated the Lex Caecilia Didia of 98 B.C.[3] need not be doubted, but it must not be taken to mean that Drusus had so flagrantly disregarded a very recent piece of legislation as to merge all his proposals—frumentary, agrarian, colonial and judiciary—into a single bill. If he was guilty of 'tacking' at all[4], the probability is that he had run together the whole of his legislation on the judicature—both the admission of senators to criminal juries and the quite different provision whereby Gracchan *iudices* were exposed to charges of corruption[5]. But the *lex satura* was not the only abuse against which the law of 98 B.C. had been passed, and it is clear that other objections were alleged against Drusus' procedure. Auspices had apparently been ignored[6]; there had been earthquakes which, like the wolves of Carthage in the time of Gaius Gracchus (p. 81), might be taken as clear signs of the divine displeasure[7]; and in general there could be no denying that the whole business had been transacted to the accompaniment of frequent violence. All this was more reason than enough for declaring the legislation invalid, once public opinion had been alienated from its author.

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[1] Livy, *Epit.* 71.

[2] *de viris ill.* 66, 5.

[3] Cicero, *de domo sua*, 16, 41.

[4] *ib.* 19, 50.

[5] See E. G. Hardy in *C.R.* XXVII, 1913, p. 262.

[6] Asconius, p. 69 c.

[7] Julius Obsequens, 54 (114).

Drusus accepted the Senate's decision. In spite of all his vicarious generosity, the majority of the Concilium Plebis had turned against him, and it was useless either to fight in defence of measures already passed or to struggle on towards a *lex de civitate*. His tribunate had failed, and before long Drusus was struck down by the hand of some unknown assassin. The significance of the cause for which he stood may be measured by the gravity of the crisis for which his death was the signal. In him the Italians lost their last hope of reaching a peaceful settlement of their differences with Rome, and now the issue was committed to the final arbitrament of war.

For Drusus it can at least be claimed that he recognized the duties of Roman statesmanship and had his eyes open to the most urgent problem of the hour. But beyond this it is difficult to go. The end for which he set himself to work was undoubtedly most difficult to attain: greater men than he had been beaten before by the inflexible jealousy which the Roman masses showed towards their allies. Yet it is difficult to find much material for praise in the methods of his choosing. Bribery of the voters was of no avail; for they took the bribes and then, when it was empty, turned to rend the hand that bribed them. Nor was he any more successful in his dealings with the leaders of opinion at Rome. All the recorded evidence supports Cicero[1] in his view that the fate of Drusus was sealed by the failure of his proposals for a reform of the judicial administration; and the reasons for that failure are not far to seek. The experience of Gaius Gracchus had been enough to show that Rome of the revolutionary age was no place for nicely-balanced compromise: in the 'faex Romuli' politicians must depend on one section or another, and hope that the party of their choice would for a few months command a majority. By his judiciary schemes Drusus earned the undying hatred of the rich men outside the oligarchy, and yet he did not go far enough to stimulate the enthusiasm of the Senate. His dealings with the great political interests of Rome foreshadow the experience of Cicero and his Concordia Ordinum. In his outlook, on the other hand, and in his methods with the voters he finds his parallel in Gaius Gracchus. Both Gracchus and he worked for a settlement of the Italian problem, and, though the precedent of Saturninus may have authorized a more open form of bribery than was known to the Gracchan age, Drusus sought to win a following among the masses by measures which seem to have been inspired directly by the example of his great predecessor. It may even be admitted that Drusus had all the high ideals and earnest determination to serve the public weal with which the Gracchi had been filled; yet, between Drusus and the Gracchi there was a difference of the greatest moment. Partly because in 91 B.C. there was no urgent social problem like that which had won permanent gratitude for the Gracchi when they attacked it with success, and partly because Drusus himself was a man of conscious superiority and unsympathetic character, he never attained a popularity which would serve as the foundation of even a temporary control of Roman public life. Drusus was a well-meaning man, but not a born leader, and, if comparison is needed with those who had gone before, it will be enough to accept the judgment of that unknown critic who called him 'a pale reflection of the Gracchi[1].'

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[1] *de off.* II, 21, 75.

The history of Rome now becomes a tale of war; but not even the perils of the Italian revolt prevented that settlement of political accounts which was the normal sequel to the fall of an outstanding politician. One of the new tribunes who entered office on 10 December 91 B.C.—Q. Varius Hybrida by name—set himself to exploit the indignation felt against those who had in any way contributed to the Italian rising as a means whereby the business class might win a revenge against the Senate. In defiance of tribunician veto a court of *Gracchani iudices* was set up to investigate the conduct of all who might be alleged to have encouraged the allies in their warlike plans. The result was a persecution severe enough to teach the Senate its folly in throwing Drusus overboard. C. Cotta was an early victim[2], and Varius even went on to attack the unfortunate M. Scaurus, the Princeps Senatus[3]. But as the military position became graver, men appreciated that the time was ill-suited for party strife at home, and at length the Senate found itself in a position to suspend the court for the duration of the war[4]. When at length its operations were resumed, its nature and purpose had been changed by the passage of the Lex Plautia iudiciaria (p. 196).

[1] *ad Herennium*, IV, 34, 46.

[2] Cicero, *Brutus*, 56, 205.

[3] Asconius, p. 22 C.

[4] Asconius, p. 74 C.

VI. THE FIRST PHASE OF THE SOCIAL WAR[1]

Ever since the passing of the Lex Licinia Mucia in 95 preparations for war must have been afoot among the Italians. The time had come for them to seize by force the privileges which they had failed to acquire by persuasion. In 91 the forthcoming struggle was foreshadowed by two events which preceded the death of Drusus. First, we are told that the Italians planned to murder the consuls Caesar and Philippus when they were celebrating the Feriae Latinae on the Alban Mount, and that Drusus warned Philippus of his danger. In view of this revelation the Senate no doubt decided to ascertain the intentions of the allies and dispatched emissaries to various parts of Italy. Secondly, a certain Domitius, probably one of these emissaries, encountered Q. Pompaedius Silo, leader of the Marsi and an intimate friend of Drusus, marching on Rome at the head of 10,000 armed men, and persuaded him to withdraw by an assurance of the goodwill of the government. But the murder of Drusus brought matters to a head. C. Servilius, a praetor with proconsular powers who was on reconnaissance in Picenum, was informed of the exchange of hostages between Asculum and another city. His effrontery at Asculum was a signal for the massacre of every Roman in the city. Thereupon the allies sent an embassy to Rome to complain of their continued exclusion from citizenship, but the Senate refused to meet them in any way unless they were prepared to make amends for the massacre. Realizing, therefore, that they were too deeply compromised, they had no choice but to draw the sword.

A binary league of two groups of cantons, Marsic and Samnite, formed the nucleus of the Italians who seceded from Rome, and it is probable that a coin bearing the name of Q. [Pompaedius] Silo and representing eight warriors swearing alliance may record the number of peoples who formed the league: Picentines, Marsi, Paeligni, Vestini, Marrucini, Frentani, Samnites and Hirpini[2]. Born within the tangle of mountain and glen between the upper Anio and the lower Aternus, the revolt spread over the highlands of central and southern Italy and was indeed well named the

[1] Ancient tradition ascribed to this war three names, *bellum Marsicum*, *bellum Italicum*, *bellum sociale*. The first two names were in general use till the end of the first century A.D.; *bellum sociale* did not appear till the second century. No doubt *bellum Marsicum* was the oldest name, but *bellum Italicum* was officially used as early as 78 B.C. (*C.I.L.* I^2, 588).

[2] Volume of Plates iv, 2, *b*. For a slightly different interpretation of the coin see A. v. Domaszewski, *Bellum Marsicum*, p. 15.

Marsic War from that mountain folk whose gallant service under the Roman eagles had given rise to the proverb that no triumph had been won without them, and whose leader Q. Pompaedius Silo is traditionally associated with the creation of the confederacy. In Lucania, Apulia and southern Campania ground was soon gained by the rebels, but Etruria and Umbria held aloof for some time. Calabria remained outside the war, and in Bruttium peace was broken only at the end. The bond which existed between the Roman government and the Italian upper classes may explain the loyalty of certain isolated communities in the insurgent districts. For example, Pinna refused to make common cause with the Vestini; Minatus[1] Magius of Aeclanum, great-grandfather of the historian Velleius Paterculus, raised a legion in the Hirpinian country and rendered valuable aid to Sulla in 89; and in Apulia the upper classes resisted Vidacilius. Nor did the Greek maritime towns and the most favoured communities of allies hesitate to adhere to Rome. In southern Campania Roman influence was very strong, and the Greek cities of Neapolis, Heraclea and Tarentum were so content with their status that later they refused incorporation under the Lex Julia (see below, p. 195).

The headquarters of the league were established at Corfinium, renamed Italia, a Paelignian town, set amid the grandeur of the central Apennine, a strategic centre rather than a fortress. The constitution of the league is not a matter of certainty, for the evidence of Diodorus (XXXVII, 2, 5) and Strabo (V, 241) is inconclusive. The former speaks of two consuls and twelve praetors, of a senate of five hundred and, possibly, of an inner council; the latter says that the Allies gathered at Corfinium and chose consuls and praetors. Two fundamental questions arise in the consideration of this evidence. Was the constitution of the league modelled upon that of Rome, and to what extent did the Italians produce a representative system? These questions have been confidently answered in various ways[2]. In the opinion of the present writer there is much to be said for the view[3] that the Allies made use of existing cantonal arrangements to form a binary league. Their generals were apparently chieftains appointed by the cantons with a superior commander, Pompaedius Silo, for the Marsic and a superior commander, Papius Mutilus, for the Samnite group; and possibly there was a war council at Italia. If this is so we must discard the statement of Diodorus that the Italians devised a constitution inspired by Rome and we must regard it as improbable that they made use of the representative principle. The Italians, who had for long resented Roman exploitation, took up arms against tyranny. To establish an independent State and to acquire the Roman citizenship were only alternative means and were not ends in themselves.

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[1] On this name see F. Münzer, in *P.W.* *s.v.* Magius, col. 439.

[2] Mommsen, *History of Rome*, III, pp. 504–506, said that the arrangements of the Allies were a copy of those of Rome and scouted the idea of a representative principle which, first suggested by Kiene, *Bundesgenossenkrieg*, p. 190, has recently found favour with Tenney Frank, *Roman Imperialism*, pp. 301, 311; *Classical Journal*, XIV, p. 547.

[3] Domaszewski, *op. cit.* p. 15 *sq.*

Their armies consisted of Sabellian and Oscan dalesmen, excellent fighting material, stiffened by veterans who had seen service under the very generals who were to take the field against them. Since Rome had command of the sea, the Italians were dependent upon their own resources, but the stories of a Cretan bowman[1] and of Agamemnon a Cilician pirate[2] hint that they gladly pressed into service any foreign desperadoes who were temporarily out of employment. The idea of help from Mithridates was entertained by the Samnite element only as a counsel of despair.

There was no more significant expression of their defiance of Roman authority and of the setting-up of a rival state in Italy than the issue of coinage[3]. A personification of Italia, the sovereign deity of the insurgents, is most commonly seen on the obverse of the coins; on the reverse there were recorded or symbolized incidents of the struggle. The coins enliven the meagre records of the war by their vivid expression of the spirit of the confederacy. There could be no more graphic symbol of Roman reverses than the goring of a Roman wolf by an Italian bull.

Whether the outbreak of revolt was from the point of view of the confederates premature or timely, the Romans were certainly taken by surprise. The first act of the party which had triumphed upon the death of Drusus was to take vengeance upon those whom they believed to have been responsible for the revolt, and the sentences of the commission of high treason established by the Lex Varia thinned the ranks of the senators favourable to Drusus. This terrorism and the imminence of hostilities produced at least the semblance of political unity. The government began to array their forces in Italy and to draw reinforcements and supplies from the provinces. Their Italian power was formed by the Romanized district once inhabited by Sabines and Aequi, Latium, the *ager Campanus* and the Roman and Latin colonies. Of the loyalty of the Latin colonies, exemplified by Alba Fucens and Aesernia, and of the outstanding importance of the *ager Campanus* as a source of revenue and a base of operations we have ample evidence. All the best harbours were in the hands of Rome. From Cisalpine Gaul, where Sertorius himself, already a tried soldier, was quaestor, from Spain, Sicily and Numidia came troops and munitions of war; from the East some naval aid[1]. To the bitterness and horrors of the struggle Diodorus and Sisenna, in particular, bear frequent witness, and we hear from another source[2] that the Senate had no mercy upon a certain C. Vettienus who cut off the fingers of his left hand in order to avoid service.

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[1] Diodorus xxxvii, 17.

[2] Id. xxxvii, 19; Orosius v, 18, 10.

[3] Volume of Plates iv, 2, *b*, *c*.

The insurgent country was divided into two main theatres of war: the northern extended from Picenum to the mountains on the south and east sides of the Fucine Lake, the southern included Samnium and the rest of southern Italy[3]. In each of these theatres a Roman opposed an Italian commander-in-chief. P. Rutilius Lupus, who with L. Julius Caesar was consul in 90, took the field in the northern theatre against Q. Pompaedius Silo. Under him at the outset served five *legati*, Cn. Pompeius Strabo, father of Pompey the Great, Q. Servilius Caepio, son of the Caepio who had been defeated at Arausio, C. Perperna, Marius himself and Valerius Messalla. The southern campaign against C. Papius Mutilus was entrusted to L. Julius Caesar whose subordinate commanders were P. Lentulus, T. Didius, a veteran who had to his credit triumphs over Scordisci and Celtiberi, P. Licinius Crassus, who had triumphed for victories in Lusitania, Sulla fresh from his Cilician command, and M. Claudius Marcellus, who had served under Marius at Aquae Sextiae. With the exception of Catulus, who may have served in the second year of the war, these commanders well represented the cream of the military experience at the disposal of the State.

Much of the energies of the Italians was absorbed by the investment of fortresses in their territories which adhered to Rome. Although they conducted offensives against southern Campania and Apulia we can detect no sign of a concerted movement made by them against Latium and Rome. It may be that the Roman road-system served the Roman defensive better than the allied offensive. The Romans had to counter the enemy in many theatres simultaneously, and even if they had been in a position to concentrate their forces, it is difficult to indicate any objective where success, at any rate in the first year, would have decided the course of the war. Recent investigations have indeed thrown light upon difficulties and done much to fix a sequence of events and elucidate strategy, but there is no reason to upset Mommsen's verdict that 'a clear and vivid picture of such a war cannot be prepared out of the remarkably fragmentary accounts which have come down to us[1].'

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[1] *C.I.L.* i^2, 588. Memnon, 29.

[2] Val. Max. vi, 3, 3.

[3] Diodorus xxxvii, 2, 7. The phrase ἀπὸ τῶν Κερκώλων καλουμένων is a puzzle. But the reference may possibly be to the mountain barrier just south of Sulmo which divides the Marsic from the Samnite country.

The northern campaign falls into two parts: an offensive against Asculum, and operations in the Apennines against the Marsic group. The Roman objectives were the isolation of Picenum, the relief of Alba Fucens and an attack upon Corfinium.

The legate Cn. Pompeius Strabo, a large land-owner in Picenum, was naturally marked out to command there and to avenge the massacre at Asculum. The possession of this strong fortress and road-centre would help the insurgents to spread revolt in Umbria and northern Etruria and to deny to Rome an important line of communication with Cisalpine Gaul. Moreover, Rome would not relax her efforts until the blood of her murdered citizens had been avenged. It is, therefore, not surprising that for the best part of two years there was hard fighting for the possession of this city. It appears that Strabo met with a rebuff upon his arrival before Asculum[2]. An army of Picentine and Marsic rebels commanded by C. Vidacilius of Asculum, T. Lafrenius and P. Vettius Scato forced him to retreat northwards. He was defeated in the mountains near Falerio and driven to Firmum. While Lafrenius remained to invest Firmum, Vidacilius and Vettius Scato withdrew to other theatres of war. How long Strabo remained pent up in Firmum we cannot say. But the situation was changed by the arrival of relief under a certain Sulpicius[1] who may well have come with reinforcements from Cisalpine Gaul and who co-operated so successfully with Strabo that Lafrenius was defeated and the siege raised[2]. Asculum was at once invested by Strabo. No doubt this success contributed to the election of Strabo as consul for 89.

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[1] The authorities for this war are numerous but unsatisfactory. For a continuous narrative we rely solely upon Appian (*Bell. Civ.* I, 38–53); sketches of the outlines are given by Velleius Paterculus, the *Epitomes* of Livy and Orosius. The contribution made by Cicero is large, but is less noteworthy than might be expected. Plutarch is scanty and disappointing. Much valuable information is to be found in Diodorus, Strabo, Frontinus and Pliny the Elder; occasional details are supplied by Dio, Florus and other late writers. Very few inscriptions have survived, but the coins minted by the Italians and the sling-bullets found at Asculum are interesting and valuable. The loss, therefore, of the history of L. Cornelius Sisenna (119–67 B.C.), which contained a narrative of the war, is to be deplored; the surviving fragments are occasionally illuminating and always tantalizing.

[2] Orosius v, 18, 10; Frontinus, *Strat.* III, 17, 8.

There can be little doubt that at an early stage in the war the insurgents laid siege to Pinna, a city of the Vestini, where the upshot of bitter party strife was that the city remained loyal to Rome. A siege was endured and we are told that the gallantry of the garrison rivalled that of the defenders of Alba Fucens[3]. In all probability Pinna fell, and, if so, the authority[4] which makes the Romans the besiegers may well refer to an incident of the Roman counter-offensive in 89.

Operations against the tangle of mountain and valley around the Fucine Lake, the stronghold of the Marsic group, were undertaken by the consul P. Rutilius Lupus and his legates. Although the records of these campaigns are so imperfect that we cannot fix the site of a single battle, it is natural to expect fighting on and around the two lines by which the Marsic group could invade Latium, namely the upper Liris and the Via Valeria which between Carsioli and Alba Fucens cuts through the Apennines by the Monte Bove Pass (4040 feet). We know that the insurgents at once laid siege to Alba Fucens, and, as the territory of Carsioli was devastated in the war[5], the Marsi must have swept down through the Monte Bove Pass upon that fortress. No doubt there was a struggle also for the possession of Sora, the Latin fortress which secured the upper Liris[6].

At the outset the Romans sustained reverse upon reverse. First, Perperna was routed by Presenteius. He lost his command, and the remnants of his army of 10,000 were transferred to Marius. Worse was to follow. The consul was obstinate enough to scout the advice of Marius that his levies should be trained and disciplined before they were rushed into battle. Accordingly, on June 11th the valley of the Tolenus was the scene of a pitched battle between Lupus and Vettius Scato in which the consul was defeated with heavy loss and killed. Although Ovid's[1] statement that the battle was fought on the Tolenus renders valid any suitable site in the whole valley from Carsioli down to the confluence with the Himella between Reate and Interamna, it is tempting to suppose that Rutilius was endeavouring to force the crossing of the Tolenus between Carsioli and the western exit of the Monte Bove Pass and break through the Pass to the relief of Alba. Of Appian's account of the battle it is enough to say that Rutilius was lured by Vettius Scato into an ambush on the north bank of the river where he was mortally wounded and 8000 of his men were killed. But Marius, who was in position farther down the valley, observing from the bodies brought down by the stream that Rutilius and Scato were in action, crossed and captured Scato's weakly guarded camp with the result that on the following day the rebels were forced to retreat through shortage of supplies. Moreover, the statement of Orosius (v, 18, 13) that Marius' troops straightway slew 8000 of the enemy strongly suggests that he counter-attacked successfully. If so, he had indeed retrieved the situation. However, the exhibition in Rome of the bodies of the consul and of other fallen officers so depressed the public spirit that the Senate decreed that in future the fallen should be buried where they fell. Nevertheless, the chief command was withheld from Marius. A success gained by Q. Servilius Caepio, a violent opponent of Drusus, was an excuse for dividing the command between Marius and him. But Q. Pompaedius Silo with a force of Marsi and Vestini lured Caepio into an ambush where the Roman lost his army and his life[2]. Thereupon Marius assumed sole command. His outstanding achievement was a great victory gained over the Marsi and Marrucini, possibly in Marsic territory. The rebels, who were the aggressors, were driven in flight to some vineyards and sustained heavy losses when scaling the walls. Later, their rout was completed by Sulla[1], who intercepted the fugitives when endeavouring to escape and cut them to pieces with the loss of Herius Asinius, general of the Marrucini.

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[1] The ingenious suggestion of Cichorius (*Römische Studien*, p. 138) that this officer was Servius Sulpicius Galba who rendered distinguished service under Strabo in 89 and who in all probability was the fourth member of Strabo's *consilium* at Asculum (Dessau 8888) is here accepted.

[2] Livy, *Epit.* 73, mentions a victory over the Paeligni. Servius Sulpicius should be read as the victor and not, as Domaszewski proposes (*op. cit.* p. 25), Sextus Julius Caesar. The effect of the victory was to free Pompeius at Firmum. It is possible that Paeligni is a mistake for Picentes and that Appian (*Bell. Civ.* I, 48, 210) gives a garbled reference to the same victory.

[3] *ad Herennium* II, 28, 45.

[4] Val. Max. V, 4, 7.

[5] Florus II, 6 (III, 18), 11.

[6] Servius, *ad Aen.* IX, 587.

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[1] *Fasti*, vi, 563–6. This passage enables us to fix the date. Appian, *Bell. Civ.* i, 43, 191, wrongly puts the scene of the battle in the Liris valley.

[2] Orosius v, 18, 14. Although Caepio may have fallen when attempting a surprise relief of Alba from the north it is easier to suppose that the defeat took place nearer Rome, especially as part of the tombstone of some members of the *gens Sergia* who fell *quom Q. Caepione est occisus* has come to light on the Via Laurentina outside the Porta S. Paolo (*C.I.L.* i², 708). Appian, therefore, may be mistaken in saying that it was after the defeat of Rutilius that the burial order was suspended.

The net result of the operations against the Marsic group entitles us to doubt the truth of Plutarch's statement (*Marius*, 33) that Marius lost reputation in the war. Compared with his colleagues he had rendered notable services. The deplorable situation created by the defeats of Perperna, Lupus and Caepio had been repaired, the enemy's territory had probably been invaded[2], and heavy loss had certainly been inflicted on the Marsic rebels. But we are left to speculate upon the fate of Alba Fucens.

Meanwhile the armies serving in the southern theatre under the consul L. Julius Caesar were confronted by tasks bewildering in their variety. To maintain communications between Rome, Campania and the south, to check the spread of revolt and to defend fortresses threatened by the insurgents were among the most pressing. Our knowledge, however, of operations in the southern theatre is confined to the siege of Aesernia, the invasions of southern Campania and the spread of revolt in Apulia and Lucania.

It is not surprising that the insurgents immediately assailed the colony of Aesernia, which commanded the road down the Apennines from Corfinium to Beneventum, by which the northern rebels could communicate with central and southern Samnium, and from which, by a branch road through Venafrum, they could threaten Roman communications with Campania by the Via Latina.

L. Caesar's first attempt to defend Aesernia was disastrous. He was heavily defeated, presumably in the upper Volturnus valley, by the ubiquitous P. Vettius Scato, who then marched to Aesernia and began or continued the blockade. Determined but unsuccessful attempts at relief were made, perhaps by Caesar[3] himself and certainly by his legate Sulla[4]. The former was heavily defeated by Marius Egnatius, possibly in the Volturnus valley south of Venafrum; the latter gained some success but had to abandon the city to its fate. Fragments of Sisenna (16 P.) and

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[1] Appian (*Bell. Civ.* I, 46, 201–2) may be wrong in associating Sulla with this victory, but as Sulla's name occurs elsewhere only twice in our records of the campaigns of 90, namely in connection with the siege of Aesernia, he may have served on the northern flank of the southern command and have been able to co-operate with Marius.

[2] In the opinion of the present writer this is a fair assumption from Diodorus XXXVII, 15 (ὁ Μάριος ἤγαγε τὴν δύναμιν ἐπὶ τὸ Σαυνιτῶν πεδίον) after allowance is made for the geographical error in Σαυνιτῶν (he must mean the Marsic country).

[3] Appian, *Bell. Civ.* I, 45, 200.

[4] Orosius V, 18, 16; Frontinus, *Strat.* I, 5, 17

Diodorus (XXXVII, 18) bear witness to the horrors of the siege: the garrison drove their slaves out of the city and when their food was exhausted ate the flesh of dogs and other animals. Thus reduced, the gallant commander M. Claudius Marcellus capitulated to the Samnites before the end of the year.

While the Romans were in distress in the upper Volturnus valley, an invasion of southern Campania was carried out by a Samnite army under C. Papius Mutilus, who saw that successes in that rich and populous territory would cut Roman land communications with the south and east and would menace the *ager Campanus*, mainstay of the Roman treasury and base of the southern armies. Moreover, the insurgents would derive great advantage from the capture of part of Campania and its coast, a rich prize. At the outset the invasion was successful. Treachery placed in his hands Nola on the Via Popilia 20 miles south-east of Capua. From Nola he captured Stabiae, Salernum and Surrentum, pressing prisoners and slaves into his army. Nuceria remained loyal to Rome, but other towns in the neighbourhood, including Pompeii and Herculaneum, fell before him. Master, therefore, of a large army and of the greater part of southern Campania he laid siege to Acerrae. But there he was confronted by L. Caesar, whose army after its misfortunes in the Volturnus valley had been reinforced at Teanum by 10,000 Gallic foot and by horse and foot from Numidia. At the outset Papius succeeded in undermining the loyalty of the Numidians, who deserted in such numbers that they had to be disbanded[1]. Hostilities then opened. Papius attacked Caesar's camp, but was surprised and routed with the loss of 6000 men. Upon this success Caesar was hailed *imperator*, and the wearing of civilian dress was resumed at Rome. Touch is then lost with the war in Campania. Caesar must have left for Rome, where he held the elections and carried through the Lex Julia.

One result of the Samnite drive into Campania was that a Roman army in Lucania under P. Licinius Crassus was cut off, and rebellion in south-eastern Italy spread as it pleased. The Lucanians had begun by seizing a Roman emissary, who owed to a woman his escape from the danger of such an end as that of Servilius at Asculum. Then Crassus was defeated by the Lucanian general M. Lamponius and driven to Grumentum, his camp being set on fire and his army barely escaping destruction[2]. It is even highly probable that he did not succeed in saving the town itself (see below, p. 200). In Apulia Rome sustained severe losses through the enterprise of Vidacilius, who had dashed down from

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[1] Appian, *Bell. Civ.* I, 42, 189.

[2] Frontinus, *Strat.* II, 4, 16.

Picenum and won over many cities, including Canusium and the strong fortress of Venusia, thereby cutting Roman communications with Brundisium. In these cities the upper classes who stood by Rome were put to death, but the lower classes and the slaves joined the insurgents. Thus the allies had conducted their campaigns in southern Italy with vigour and success.

VII. ROMAN CONCESSIONS: THE COLLAPSE OF THE CONFEDERACY

The hostilities thus far described produced a grave situation, although as the year advanced the Romans recovered somewhat from the disasters which had marked the beginning of the war. Matters were made no better by the news that Mithridates was menacing the province of Asia and that the governor of Transalpine Gaul was having trouble with the Salluvii. It was significant of the exhaustion of Rome's resources that freedmen had to be enrolled to guard the coast from the city to Capua. Thus a widespread and determined revolt in Etruria and Umbria, where loyalty had so far prevailed, would have rendered this situation intolerable; land-communications with Gaul and Spain would have been cut, a large area would have been added to the territory of the confederacy, and in Italy Rome would have been at bay. There can be little doubt that the northern confederates in the flush of success strained every nerve to engineer revolt in Etruria and Umbria. The prospect of revolt there and the situation elsewhere forced the hand of the government: citizenship was offered to those allied communities that remained loyal, an offer which was accepted by the Etruscans. Apparently there was some fighting in Etruria[1], but if we may judge from the silence of Appian no serious operations. The probability is that, although the offer of citizenship averted a general rising, military action had to be taken against certain communities which actually revolted.

This offer was made in the nick of time. When L. Julius Caesar returned from Campania to hold the elections for 89 he found that adversity had been preparing the way for concession, and the Lex Julia which the consul carried before retiring from office, is proof that the Italians had indeed cut their way into the state by the sword. The law offered full Roman citizenship to all Latins and to all communities in Italy which had not revolted[2]. It was to whole communities not to individuals that the offer was made, and a decree accepting citizenship had to be passed by each community before the law could take effect. We also know that under the Lex Julia it was possible for citizenship to be won as a reward for distinguished service in the field[1]. The Lex Julia was followed, probably very soon after the tribunes of 89 had come into office, by a supplementary statute, the Lex Plautia Papiria[2], which provided that any man who was on the register of an allied community and whose permanent home was in Italy, might acquire Roman citizenship by making application to a praetor in Rome within 60 days from the date of the passing of the law. This law enabled citizenship to be acquired by individual members of allied states which had not accepted incorporation under the Lex Julia. Moreover, it does not seem unreasonable to say that the law also applied to members of allied states still in revolt, because it was clearly in the interest of Rome, now that the principle of concession had been accepted by her, to attempt to divide and weaken the insurgents' forces by a short-term offer which would encourage desertions before the campaigning season re-opened.

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[1] Livy, *Epit.* 74; Orosius v, 18, 17.

[2] Appian, *Bell. Civ.* I, 49, 212; Cicero, *pro Balbo*, 8, 21; Gellius, *N.A.* IV, 4, 3. It is sometimes assumed from Vell. Pat. II, 16, that communities

In consequence of these concessions it was found necessary to frame a special statute to meet conditions prevailing in Cisalpine Gaul. Although the population immediately south of the Po had originally been largely or mainly Celtic and this racial distinction was marked by a line running from the Arnus on the west to the Aesis on the east, it is certain that the whole peninsula up to the Alps was regarded as Italy, many colonies both Roman and Latin having been founded in it and most of the other towns having become members of the Italian confederacy. It is true that the country north of the Po was thoroughly Celtic, but between conditions prevailing south of the Po and those in northern Etruria and Umbria there could have been little, if any, difference. The operation of the Lex Julia in north Italy meant the promotion of all the Latin colonies to the rank of Roman municipia. Moreover, all the other towns would have been elevated to that status had not a special statute been framed, the Lex Pompeia[3], which confirmed

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which had revolted but laid down their arms could acquire citizenship by the Lex Julia. Although the words *qui arma...deposuerant maturius* could be interpreted in this sense, it could apply equally well to those individuals who were enfranchised under the Lex Plautia Papiria shortly afterwards.

[1] *C.I.L.* I², 709 and p. 714; Dessau 8888. A Lex Calpurnia (Sisenna, frag. 120 P.), presumably passed in 89, dealt also with this topic.

[2] Cicero, *pro Archia*, 4, 7; Schol. Bob. p. 175 Stangl.

[3] Asconius, p. 3 C.; Pliny, *N.H.* III, 138.

the grant of citizenship already made to the Latin colonies by the Lex Julia, conferred the *ius Latii* upon the Transpadane towns and 'attributed' native tribes to the urban communities[1].

The value of the franchise to the Italians was impaired, it is true, by the restriction of the new citizens to eight of the existing thirty-five tribes[2]. This narrow-minded cunning was to overreach itself and revealed the limitations of senatorial statesmanship; but the concessions, whether or not they all took effect before the opening of the campaign in 89, exercised a profound influence upon the course of the struggle. Though hard fighting still lay before them, the Romans could count themselves certain of ultimate victory: in resources, leadership and morale they could hardly fail to prove superior. On the other hand, the insurgents could not expect a repetition of their early successes; their numbers would diminish rather than increase, their unity would suffer from Roman concessions, their leaders would realize that they were championing a losing cause. But allied loyalty and Roman pride, simplest of human emotions, prolonged the struggle till Asculum had paid the penalty and the thinned ranks of the rebels saw no choice other than surrender or death.

Meanwhile at Rome, whether because the war made it difficult to man the courts or as a reaction against the vindictiveness with which the war began, the Lex Plautia iudiciaria[3] introduced a new principle in the choice of judges; each tribe elected 15 of its own members without regard to their class or quality, and from the list of 525 men thus elected, jurors for this year were to be drawn. By a stroke of irony the Lex Varia now recoiled upon its author, for Q. Varius himself was brought to trial under his own law and condemned.

In 89 Cn. Pompeius Strabo and L. Porcius Cato were consuls. Strabo continued his command in Picenum and Cato succeeded Marius on the Marsic front. Marius disappeared from the war.

[1] It is possible that the Lex Pompeia was no less than the *lex provinciae* of Gallia Cisalpina (so E. G. Hardy, *J.R.S.* VI, pp. 65 *sqq.*). See however, below, p. 301.

[2] Vell. Pat. II, 20. Certainty between this statement and the conflicting evidence of Appian, *Bell. Civ.* I, 49, 214, for a new group of ten tribes is impossible. The tantalizing fragment of Sisenna (17 P.) 'L. Calpurnius Piso ex senati consulto duas novas tribus...' may refer to a separate enfranchisement of those who had distinguished themselves on the side of Rome (see frags. 119, 120 P). It is however possible that Velleius intends to speak of eight new tribes and that these with the two mentioned by Sisenna make up Appian's ten; see T. Rice Holmes, *Roman Republic*, I, p. 356.

[3] Asconius, p. 79 C.

If we are not prepared to believe Plutarch's[1] statement that he resigned his command owing to age and infirmity, we must suppose that his retention in the field was not acceptable to the party in power. Sulla, still as *legatus*, took over the troops left by L. Julius Caesar in Campania.

At the outset the Romans sustained a reverse on the Marsic front. In spite of insubordination among his men[2] Cato penetrated as far as the Fucine Lake, but was defeated and killed. Strabo then extended his command over the Marsic front and thanks to his legates Murena, Metellus Pius and Sulpicius, overcame the failing opposition of the enemy.

In Picenum all turned on the siege of Asculum, where both sides concentrated every available man. The inscribed sling-bullets[3] found in such profusion on the site are interesting from a human no less than from a statistical standpoint; no doubt the messages scratched upon them—*feri Pomp*[*eium*], *em tibi malum malo*, *ventri*—added to their efficacy as missiles. The story of the latter part of the siege seems to transport us back to the heroic days of the Samnite wars, the issue of which was decided on a field not so very far from Asculum (vol. VII, p. 612). The bold thrust of the Samnites before Sentinum was repeated: a prodigious effort was made to cut through the Apennines, relieve Asculum and join hands with fellow rebels in Umbria and Etruria. It is not incredible that in the battle which decided the destiny of Asculum and the northern rising 75,000 Romans fought against 60,000 Italians[4]. A force of Marsi seems to have survived the rout, only to be cut to pieces by Pompeius Strabo in some mountain pass. It was winter, for the fugitives took to the heights and perished in the snow.

Perhaps in the course of this battle the heroic Vidacilius broke through the Roman lines and forced his way into his native city. But later the situation within and without drove him to a dramatic suicide. The city must have fallen to Strabo on or before November 17th, and the massacre was at length avenged. All officers and leading men were scourged and beheaded; the rest of the population were allowed to leave the city, free but destitute; slaves and loot were sold under the hammer. We hear that the proceeds of the auction were not remitted by Strabo to the treasury[5], and that the financial strain at the time was so severe that sites around the

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[1] *Marius*, 33.

[2] Dio XXX–XXXV, frag. 100; Sisenna, 52 P.

[3] For the fullest list see E. Lommatzsch in *C.I.L.* I², pp. 560 *sqq.* Illustrations are given by C. Zangemeister, *Glandes plumbeae latine inscriptae*, Eph. Epig. VI, 1885, pp. 5–47.

[4] Vell. Pat. II, 21, 1.

[5] Orosius V, 18, 26.

Capitol in the occupation of the priestly colleges had to be sold. The enfranchisement by Strabo of thirty men of a squadron of Spanish cavalry for services rendered during the siege is a landmark in the history of western civilization. The inscription[1] which records this act is the principal addition made by the present century to the ancient evidence for the Marsic War, and the list which enumerates the members of the general's *consilium* seems to contain the names of such personalities as Lepidus, consul in 78, Catiline, and a Cn. Pompeius who cannot be other than Strabo's seventeen-year old son who became Pompey the Great.

On December 25th 89 Pompeius Strabo celebrated his triumph *de Asculaneis Picentibus*. Among the captives marched a young Picentine, P. Ventidius, who was himself destined to lead Parthians in triumph fifty-one years later. After his triumph Strabo returned to the field as proconsul in order to extinguish any flames which might burst out anew from the dying embers of the conspiracy in the north.

Of the remaining operations against the Marsic group it is impossible to give a detailed version. They were profoundly influenced by the siege of Asculum and by the Roman offensives in Campania, Samnium and Apulia. It is highly improbable that organized opposition outlasted Strabo's triumph, because the land of the Marsi and their neighbours must have been drained of fighting men by heavy losses and especially by efforts to relieve Asculum. We may suppose that by the end of 89 the Marsi had surrendered to Strabo's legates L. Murena and Q. Caecilius Metellus Pius, son of Metellus Numidicus, and that Sulpicius had subdued the Vestini and the Marrucini. Moreover, when the Paeligni turned upon their leader P. Vettius Scato, and would have handed him over to Strabo had not his slave slain him on the spot[2], it was time for Italia to be abandoned and for Pompaedius Silo, undismayed by the collapse of the northern rising, to fly to the mountains of Samnium. War against an Italian confederacy had ceased; the Samnite cantons with Lucanian help alone remained in the field.

We pass to Campania, where Sulla was in command and where his generalship soon loosened the grip which the Samnites had won in the previous year. Siege was laid to the coast towns.

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[1] *C.I.L.* I^2, 709 and p. 714 (= Dessau 8888). Cichorius conjectures (*op. cit.* p. 133) that the name of the cavalry squadron *Turma Sallvitana* may come from that of its commander (perhaps Salvitto), not from a place in Spain. On Strabo's title *imperator* see A. Momigliano, in *Bull. Com. Arch.* LVIII, 1930, pp. 45 *sqq.*

[2] Macrobius, *Sat.* I, 11, 24.

Before Pompeii, where the Roman fleet operated by sea and a legion enrolled from the Hirpini by Minatus Magius of Aeclanum lent welcome aid on land, there was a notorious example of insubordination. Mutiny broke out in the fleet commanded by a *legatus* A. Postumius Albinus[1], who was done to death with sticks and stones. The disciplinary action taken by Sulla was marked by characteristic adroitness; he merely exhorted the mutineers to atone for their crime by gallantry in action. Nor was abstract justice expedient at the moment, for a strong Samnite army under Cluentius was straining every nerve to relieve Pompeii. But Sulla's generalship and luck prevailed. In the decisive battle Cluentius' troops, reinforced by Gallic deserters from the Roman armies, broke and fled towards Nola. Few only gained the city. With this victory came the turn of the tide. On April 29th Stabiae was captured by Sulla[2]. On June 11th T. Didius and Minatus Magius stormed Herculaneum[3]; and thus isolated, Pompeii must soon have fallen. Nola alone seems to have been held by the enemy when Sulla left for his campaign in Samnium.

This brilliant manœuvre dealt telling blows against the Samnites and must have aided the operations in Apulia and Lucania. Sulla first marched against the Hirpini and captured two of their cities, Aeclanum and Compsa. At Aeclanum he forestalled the arrival of help from Lucania by giving the inhabitants one hour's notice of battle; he then set fire to the wooden walls and captured the city. Bursting into central Samnium by an unexpected route he surprised the Samnite commander, Papius Mutilus, and drove him in rout to Aesernia. This success enabled him to strike at Bovianum Vetus, a principal city of the Samnites and a rebel headquarters, which fell after a short engagement. Leaving an army to blockade Nola, he went to Rome to stand for the consulship. In Apulia a competent legate, C. Cosconius, recovered practically all the ground which had been lost to Vidacilius in the previous year. He burned Salapia and crushed a Samnite army on the northern bank of the Aufidus near Cannae. Winning freedom of movement by these victories he ravaged the territories of Larinum, Ausculum and Venusia and secured the undulating moorlands which lie north of the Via Appia between Venusia and Tarentum. At the end of the year he was succeeded by Q. Caecilius Metellus

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[1] Since he is called *consularis* (Orosius v, 18, 22) he must be the consul of 99, who in 110 had done so ill against Jugurtha (p. 121).

[2] Pliny, *N.H.* III, 70.

[3] Didius fell in the assault, Ovid, *Fasti*, VI, 567–8. In any event, Herculaneum, like Pompeii, cannot have held out for long.

Pius, fresh from his successful campaign against the Marsi. In Lucania two legates, A. Gabinius and Carbo, were in the field. Gabinius captured several towns, but fell at the siege or the storming of a place which may well be Grumentum, probably lost in the previous year[1].

The disruption of the confederacy and the abandonment of Italia were the natural results of the operations in 89. Of the Italian manhood which had risen against Rome thousands had made a sacrifice which had won for many of their comrades the prize of Roman citizenship. Others who had surrendered too late to benefit by the franchise legislation, were in the position of *dediticii* awaiting Rome's pleasure. But the man who above all had been the soul of the insurrection, Q. Pompaedius Silo, undismayed by the capitulation of his own people, fled to the Samnites and inspired them to further resistance. The Samnite cantons, therefore, under their own leaders, with Pompaedius as commander-in-chief, continued the struggle and once more sought to force Rome to recognize that independence which they had lost two centuries before. The headquarters of their organization were established at Aesernia, the fortress that once had curbed their freedom. An army was raised of 30,000 infantry and 1000 cavalry. If, as we are told, 20,000 manumitted slaves were enrolled, then the Samnites in their despair must have encouraged a servile rising. The movement soon met with success, for the commander-in-chief recaptured Bovianum Vetus and entered the city in triumph. But their fortunes changed in the course of the year. Various conflicting summaries of the operations are given, and we can be certain of nothing more than the final result, the defeat and death of Pompaedius Silo in a decisive battle. The time was then ripe for the surrender of Venusia which capitulated to Metellus after having remained in possession of the insurgents for about two years; over 3000 prisoners gave themselves up. According to Diodorus (XXXVII, 2, 11) it was at that point that the rebels as an act of despair in vain sent ambassadors to Mithridates entreating him to invade Italy in their interest. But with the fall of Pompaedius Silo, the Samnites were no longer a danger. Nola indeed and Aesernia remained in the hands of the rebels, while the guerrilla chieftains Lamponius and his colleagues roamed at large in the solitudes of Lucania. When these last had been repulsed before Rhegium by Norbanus the governor of Sicily the curtain falls upon the last act of the Marsic War.

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[1] The recovery of Grumentum by the Romans is deduced from Claudius Quadrigarius frag. 80 P.

VIII. THE *LEGES SULPICIAE*, AND THE FIRST CAPTURE OF ROME

By the end of the year 89 B.C. the military crisis was passed. In several parts of the peninsula embers from the conflagration still smouldered on; but the danger had been mastered, the plans for reconstruction had been sketched, and in 88 B.C. Rome could begin to face in detail the problems which were the legacy of the war. This task she approached under the leadership of consuls whose past gave little cause for hope that they would handle the issues of the day with the statesmanship which alone could lay sound foundations for the future. One was L. Cornelius Sulla, whose sole claim to the suffrage of the People lay in his distinguished services in the wars of Africa, Gaul, Asia and Italy; the other was Q. Pompeius Rufus—a man remarkable for nothing but the part he had played as tribune in securing the recall from exile of Metellus Numidicus. Consuls such as these were not the men to extort from a reluctant Senate a large-minded and liberal answer to the questions with which the newly united Italy was beset. To Sulla had fallen the Eastern command, and his one anxiety was to set out with the least possible delay: Pompeius Rufus, who was to remain in Italy, showed no sign of activity. And thus it happened that the initiative in legislation was left to a member of the tribunician college.

P. Sulpicius Rufus, who modelled his style of speaking on that of the great Crassus—now two years dead, is acknowledged by Cicero to have been an orator unrivalled by any of his contemporaries, save only by C. Aurelius Cotta. These two, alike in their forensic pre-eminence, were alike in their politics as well: they both belonged to that progressive section of the nobility whose wisdom was to be a sheet-anchor to Rome in the stormy years to come, and whose traditions were the earliest and most powerful influence on the mind of Cotta's second cousin—Julius Caesar. Both had supported the younger Livius Drusus in 91 B.C., and Sulpicius was on terms of intimate friendship with Pompeius Rufus, the consul. Of a man like Sulpicius it was not to be expected that he would turn into a revolutionary, and at the elections it seems that he commanded the oligarchical vote. Yet before the year was out he had undergone so startling a change that the senatorial tradition preserved by Diodorus, Plutarch and Appian regards him with an aversion usually reserved for open enemies. The injustice of this attitude is suggested by certain inconsistencies which it betrays; but it is the testimony of Cicero and of the author of the treatise *ad Herennium* which reveals that, surprising as were the lengths to which he went, Sulpicius was no mere irresponsible demagogue. From these authorities it appears that in the early days of his tribunate his conduct was beyond reproach; and, though he later fell from grace, the change was not one to justify his condemnation out of hand, however well it merited the hatred of the extreme conservatives.

The political history of the year 88 B.C. opened with a proposal from some unknown quarter for the recall of all the exiles who had been banished unheard either by the Varian Commission or by the court established under the Lex Plautia of 89 B.C.[1]: against this Sulpicius, for some reason which is difficult to discover in a friend of Livius Drusus, interposed his veto[2]. But soon afterwards there came a transformation; and though Sulpicius earned senatorial admiration by one other achievement in this year—when he prevented C. Julius Caesar Strabo, who perhaps coveted the command against Mithridates for himself[3], from standing for the consulship before he had been praetor—the rest of his activities were of a kind on which optimate eyes looked with the gravest disapproval. The famous Leges Sulpiciae were four—two of them of minor significance, one dangerously controversial, and the fourth a bold and beneficent proposal which entitles its author to a place of honour in the history of his time. It was a small matter that senators in debt to the extent of 2000 *denarii* or more were to lose their seats in the House; nor would the recall of the exiles—a simple and salutary measure of reconciliation—call for notice, had not Sulpicius himself been foremost in opposing it earlier in the year. But it was otherwise with the demand that Sulla should be removed from his command in the Mithridatic War and that it should be conferred on Marius in his stead.

It could, indeed, be urged that Marius was the most distinguished general then alive: it might even be maintained that Rome had never produced a greater. Yet, on the other hand, Sulla had by this time proved his worth beyond dispute; and, unless there had been some unrecorded failure to observe the provisions of the Lex Sempronia de provinciis consularibus, he held the Asiatic command by a title which—in the absence of some constitutional *tour de force*—nothing but his death or the abrogation of his *imperium* could destroy. Moreover, even if it be untrue that Marius had returned to Rome after his victories in the Social War because he could no longer stand the rigours of a campaign

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[1] See p. 196.

[2] *ad Herennium* II, 28, 45.

[3] Diodorus XXXVII, 2, 12.

(p. 197), the fact remained that he was approaching seventy and had reached an age when his appointment to the East would be something of a speculation. The sudden support lent by Sulpicius to the ambitions of a veteran whose reluctance to admit the signs of advancing years combined with his jealousy of Sulla to fill him with desire for the Eastern command must be ascribed to political considerations. It may be conjectured that the tribune, seeing the need for strong backing in the Concilium Plebis if the obstructive tactics of the Senate were to be met, turned to that large body of voters whom the name of Marius could stir as nothing else. Marius was not only a man of the people, whom the masses could trust more readily than any Optimate; he was more even than a great soldier who retained the allegiance of his veterans. Besides all this, he was the first and most famous of the *populares* (pp. 137 *sqq.*), and for that reason to the votes of *plebs urbana* he could join the backing of the upper classes outside the Senate—classes whose support we know that Sulpicius was ultimately able to command. Thus the help of Marius could not be despised, and all of it was needed; for Sulpicius, in the greatest of his laws, proposed a change which could not fail of the most bitter opposition.

The claim of Sulpicius to an honourable place in history rests on his bill to distribute the freedmen and the new citizens over all the thirty-five tribes. The limitations of the Lex Aemilia of 115 (p. 96) were to be abolished; and, what was far more important, Rome was fairly to face the effects of the Social War. About the question of the freedmen there is little to be said. In numbers they were comparatively few, and, since the passing of the Lex Papiria tabellaria in 131 B.C. (p. 38), they could no longer be controlled by their patrons—the only people to whom the freedmen's votes can have been of serious value. Their inclusion in the measure of Sulpicius was perhaps no more than the expression of a belief that the time had gone when any particular section of the population could reasonably be confined to a few selected tribes. But it was not the freedmen who gave this bill its significance: the people whose treatment was of vital importance were the new citizens who had won the franchise in the war. Unlike the freedmen, they were numerous; and, because their numbers might have counted had they been incorporated evenly in all the tribes, Roman jealousy had tried to destroy their influence by confining them to a small minority (p. 196). It was an expedient typical of the Roman at his worst: with one hand the *civitas* was bestowed, with the other the *ius suffragii* was rendered nugatory. But sharp practice such as this is apt to recoil on its authors, and it was perhaps well for Rome that Sulpicius called attention to the trick before it had bred a grievance in the minds of its victims. His proposal, the proposal of a man who stood in the direct line of succession from Gaius Gracchus and the younger Livius Drusus, was that the enfranchisement of the allies should be accepted with all its implications. The vexatious restrictions of the year before—restrictions which in their constitutional aspect were an attempt, by grafting the Italians on to the existing citizen-body instead of merging them therein, to preserve such traces of the Roman city-state as could still be saved—were to be withdrawn. Man for man, the new citizens were to be equals of the old. And the citizenship of Rome, no longer Roman in anything but name, was to be the citizenship of Italy. In fact, if not in theory, Italy was not to be the *territorium* of Rome: Rome was to be the capital of Italy. The city-state, in brief, was at an end.

The justice of this measure needs no demonstration, but fairness to its author demands that the circumstances of its proposal be examined with care. The narrative of Appian, definitely oligarchical in its bias, encourages the inference, which has often been drawn, that Sulpicius urged a distribution of the new citizens throughout the tribal body merely in order to increase the power of voters who, from gratitude for this reform, would lend valuable support to its author when the issue between Marius and Sulla came to be decided. But Appian himself[1], and Plutarch too[2], give the impression that the constitutional proposal and the transference of the Mithridatic command were enacted, if not simultaneously, at least in such quick succession that there can have been no opportunity to carry out the complicated task of redistributing the new citizens before the vote was taken on the question of the Eastern appointment. The supersession of Sulla by Marius, if it was to happen at all, could only reasonably be carried out at once, before the opening of the campaign; and in that case the struggle would be over before the complicated task of re-organizing the tribes could even be begun. More probably the bill about the new citizens was regarded by Sulpicius as an end in itself; and it is because, if this view be right, he set himself to secure this beneficent reform for its own sake, that Sulpicius deserves the reputation of a serious statesman. In the excellence of his chief objective he can claim some extenuation of the dangerous concessions made to his ally Marius, without whose help there can have been little chance of carrying forthwith so controversial a bill.

The programme of Sulpicius was greeted with howls of indignant protest. Honest dislike of fresh generosity to the Italians combined with the personal loyalties which centred round the figures of Marius and Sulla to produce a political crisis of the utmost gravity. It was a crisis only ended by an expedient which ushered in the last phase in the decline of the Republic. There was the inevitable recourse to violence. Sulpicius is alleged to have surrounded himself with 600 young *equites* and, besides these, to have maintained a body of 3000 men at arms. About the forces on the other side our authorities are discreetly vague, but it is unlikely that the consuls and their friends passed about the streets of Rome without the precautions which prudence advised. When the situation grew threatening, Sulla and Pompeius Rufus threw down a direct challenge to the tribunate. They announced an indefinite suspension of public business (*iustitium*), and thereby seem to have claimed for the consulship a *potestas* so great as to be capable even of blocking the legislative activities of the tribunes[1]. Sulpicius retorted that such action was illegal, and certainly no precedent could be quoted; for the action of Tiberius Gracchus as tribune was irrelevant (p. 25). But Rome in 88 B.C. was no place for constitutional niceties. Soon there came a clash in the Forum. Pompeius Rufus got away, though his son was killed, and Sulla is said to have sought safety in the house of his rival Marius—an incident which later he was at some pains to explain. Whether he actually owed his life to Marius or not, he was somehow induced to terminate the *iustitium* and forthwith set out for the more tranquil atmosphere of his camp at Nola.

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[1] *Bell. Civ.* I, 56, 249.

[2] *Marius*, 35, 4.

No sooner had the consuls disappeared than the whole programme of Sulpicius was passed into law. For a moment the *populares* were supreme; but their triumph was brief. When messengers were sent to Nola with instructions to bring the army north to meet Marius, its new commander, they found that Sulla had been before them: the troops would not change their allegiance, and the envoys of Sulpicius were stoned to death. For the first time in history a Roman army had declared war on the government in Rome, and from that moment politics in the city became a mere phantom rout, condemned to fade away whenever a successful general took the stage. Sulla was soon in motion. With six legions at his back he started northwards, yielding his own qualms about a seizure of the city to the encouragements of the soothsayers and the enthusiasm of his men. Marius and the government at Rome were defenceless against such a force. Deputations, indeed, they were not slow to send; but even two praetors, who undertook one such mission, barely escaped with their lives. Of troops, however, they had none: almost without resistance Sulla and Pompeius Rufus entered Rome. For a few hours there was street-fighting on the Esquiline, hours few indeed, but enough to allow Marius to incur a disgrace to which not even Catiline would stoop—the disgrace of summoning the slaves to arms and promising freedom to those who came. Even so, there was no response; for the issue was already decided, and before the day was done Marius had fled and Sulla was undisputed master of the city. Thus for the first time Rome was captured by a Roman army.

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[1] This account, which is derived from Plutarch (*Sulla* 8, 3), is perhaps slightly preferable to the version of Appian (*Bell. Civ.* 1, 55, 244), who may be thought to suggest that the consuls were conscious that they did not wield a *maior potestas* against the tribunate and endeavoured to make good the lack by proclaiming, as was certainly within their power, a series of *feriae imperativae*, during which no business could be conducted. See, on this question, M. A. Levi, *Silla*, pp. 163–7, with the authorities there cited.

IX. THE FIRST CONSULSHIP OF SULLA

Yet this did not exhaust the novelties of the year: the citizens had another new experience when government began to be conducted by a military despot. It is true that Sulla remained consul, and as consul he carried on his task. He even observed the forms of constitutional procedure. But it was a new thing for measures of a most drastic kind to be forced through the assemblies without argument and without the possibility of resistance: and the reason for all this was the army at Sulla's back. At the outset, we may assume, though the narrative of Appian is here obscure, the Senate was compelled, by an act of doubtful legality and one against which Scaevola the Augur protested (though not on legal grounds[1]), to declare Marius, his son, Sulpicius, still a tribune of the Plebs, and several of their leading supporters to be enemies of the Roman People, whose lives might be taken with impunity and whose property was forfeit[2]. It was a strong measure and a dangerous precedent. The victims had certainly been guilty of inciting the slaves to rise, and they had indubitably flouted the authority of the consuls; but even so they were not an obvious menace to society, and to proclaim them outlaws straight away was little less than to deprive Roman citizens of their right to trial merely because crime was alleged against them. As a result,

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[1] Val. Max. III, 8, 5.

[2] Vell. Pat. (II, 19, 1) is alone in suggesting that this decision was embodied in a law.

Sulpicius was murdered. Marius, however, made his way to Minturnae and thence escaped to Africa. Thereupon the Leges Sulpiciae were declared to have been carried *per vim*[1] and to be, accordingly, invalid. The argument, we may conjecture, was that, though the *iustitium* had ended before their enactment, its ending had been forced upon Sulla by the threats of the mob.

After these preliminaries Sulla was free to set about the legislation of 88 B.C., for which Appian[2] is virtually our only source of value. The measures which he ascribes to Sulla on this occasion have provoked many unnecessary doubts; but, if the circumstances of the time are properly appreciated, their acceptance becomes easy, if not inevitable. That a record of these laws should have been preserved by Appian alone is hardly surprising, the less so when it is remembered that our other outstanding authority—Plutarch in his *Life of Sulla*—does not even trouble to describe the legislative work of Sulla as dictator. In any case, the reforms of the years from 81 to 79 B.C. so far exceeded in importance whatever may have been achieved in 88 B.C. that it is scarcely strange if all but one of our meagre authorities regarded—and rightly regarded—the later legislation as Sulla's real monument, which alone was entitled to permanent record. Such a view, indeed, is just. After his return from the East Sulla undertook a drastic reform of the Roman constitution: in 88 B.C., before his departure, he neither accomplished nor essayed anything of the kind. In his first consulship, after the struggle with Marius and Sulpicius, time was short: it was his urgent duty to start for the Mithridatic War with the least possible delay. The most he could do before leaving Rome was to patch up the defences of his party position, and this he attempted by a few simple measures—crude, indeed, but effective, and of a kind which could be drafted in a few hours. Since they were designed to meet the dangers of the immediate future until the time of his own return to Italy, it would be a grave mistake to assume that all these laws, which were repealed by Cinna in 87 B.C.[3], were re-enacted by Sulla when he had leisure as dictator for a thorough re-casting of the constitution. If this be so, it is idle to criticize Appian's version of the laws of 88 B.C. on the ground that some of them, at least, were demonstrably not in force during the years immediately after 79 B.C.: the only sound objection which could be taken to Appian's account is one to which that account is not exposed—the objection that the measures are too complicated or too petty for Sulla to have had the time or inclination to pass them when he was urgently needed in the East.

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[1] Cicero, *Phil.* VIII, 2, 7.

[2] *Bell. Civ.* I, 59, 266–8.

[3] Appian, *Bell. Civ.* I, 73, 339.

The programme was brief. First, by a return to an arrangement of the kind which had prevailed in law until the passing of the Lex Hortensia in 287 B.C. (vol. VII, p. 553) and in normal practice to the time of Tiberius Gracchus, it was ordained that nothing should be brought before the People without the previous approval of the Senate. About the application of this law there can be no shadow of doubt: if it affected the tribunes at all, which is by no means certain, the remotest acquaintance with Sulla's attitude to the curule magistrates at the time of his dictatorship is enough to show that, as Appian implies, it affected consuls and praetors as well. After all, if Marius himself held office again, it would not be as tribune but as *consul VII*. Secondly, there was a law to the effect that all business[1] submitted to the People should be submitted to the People in their Centuries. The Comitia Centuriata, wherein wealth wielded its strongest influence, was to be the only active assembly of the Populus Romanus: the Comitia Populi Tributa was condemned to idleness, and the Concilium Plebis was apparently to do nothing but elect its tribunes.

Though Appian hints at other limitations to its power, the tribunate itself remained: Sulla had no need to risk the fearsome penalties of the *plebiscitum* passed by M. Duillius against those who left the Plebs without its champions (vol. VII, p. 481). But, if the view here maintained is right, the tribunes lost their initiative in legislation. Lacking, as they did, the *ius agendi cum populo*, they were debarred from submitting *rogationes* to the Comitia Centuriata, which was now to be the only legislative body. And so it may be said that by the first of Sulla's laws—the law which required that every project put before the People should receive preliminary approval from the Senate—not the tribunes, but the curule magistrates were to be brought under control. But to give the Senate a veto on legislation was futile unless that body was strong enough to defend its rights and to use them with effect. For this reason, and also because it was the Senate which, during Sulla's absence, would have to lead the resistance to Marius and his friends, it was essential that the Senate should be strong: and at this time it was weak. The censors now in office would at best recruit the House to its normal size of 300 or thereabouts; but this was not enough. Accordingly, the consuls took measures of their own—whether by passing a law or not we do not know—to authorize the addition of 300 members more. Thereby the Senate would be raised to twice its former size, and, by this infusion of new blood, its strength could scarcely fail to be increased. The plan did credit to the wisdom of its author, but it may be doubted whether it was given effect. To select three hundred candidates for positions so responsible as seats in the House was a task requiring time: it can hardly have been more than begun when Sulla left Rome, and his departure was the signal for a rapid recrudescence of the turmoil in which the quiet work of ordinary administration was dropped forthwith. Probability is in favour of the view that the new senators were never chosen, and this conclusion is confirmed by the fact that Appian records another measure to the same effect when Sulla had returned to Italy.

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[1] The word used by Appian is χειροτονίαι, and this has often been taken in its narrower sense of 'voting at elections.' More probably it means voting of whatever kind, as *e.g.* in *Bell. Civ.* I, 23, 99; 49, 214; 53, 231.

Such were the rough and ready methods whereby Sulla sought to ensure the political supremacy of his friends during the period of his own absence in the East. The scheme looked well enough on paper—as good as any paper scheme could be. But what if some second Sulla arose on the other side? For all his care, the Senate was as impotent when Marius marched an army to the gates of Rome as it had been a few months before when Sulla himself had seized the city. The legislation of 88 B.C. is evidence, perhaps, for Sulla's political position, if evidence for that be needed; but it is a trivial episode, and one which gives no clue to the greatness which its author was to display when the dictatorship gave him leisure to re-organize the State.

Though they were certainly the most important, it is unlikely that these were the only laws passed by the consuls of 88. Festus[1] preserves a fragmentary reference to a measure about debt—a measure which perhaps limited the rate of interest to 12 per cent. per annum—and the *Epitome* of Livy[2] records that colonies were founded. The Epitomator is silent about their purpose; but it is more likely that Sulla was looking forward to the time when the soldiers now under arms would need settlement on the land than that these places were intended for the newly-enfranchised Italians. Speculation, however, is vain; and there is only one other point which calls for notice. During the excitements of the year, the citizens of Rome had raised one feeble protest against the new military tyranny. At the elections for the magistracies of 87 B.C. two candidates were rejected, of whom both had Sulla's special favour and one was his own nephew. Of the consulships, one indeed was safe in the hands of Cn. Octavius—a loyal Optimate and possibly nephew of M. Octavius, the hero of 133 B.C.; but the other went to a man of very different complexion—L. Cornelius Cinna, who, though he had lately been serving as *legatus* to Metellus Pius, was known to have leanings towards the Marian side. Sulla took these rebuffs in sporting spirit, but he betrayed his fears of Cinna by forcing him to swear a mighty oath that he would preserve a friendly attitude towards Sulla and his cause. After this solemn farce[1], Sulla set out for his army and the East—the more readily, it was said, because his colleague Pompeius Rufus had suddenly been murdered. Rufus had been appointed to succeed Pompeius Strabo as commander of the forces in Picenum; but the change was resented by the men, and, with a licence which was soon to be familiar, they had killed their new general in order to keep the old. Such was the devotion of the armies to their leaders. It was a devotion which recked little of duty to the State; but it had its value for the favoured few. The legions of Sulla had already shown that in their keeping he was safe: so to them he went. Cinna was left to do his worst: almost before Sulla's back was turned he sped the consul's going with a threat of prosecution.

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[1] p. 516 L.

[2] *Epit.* 77.

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[1] For Cinna's view of the oath see Sallust, *Hist.* I, 26 M.—'nihil esse de re publica neque libertate populi Romani pactum.'

CHAPTER V

PONTUS AND ITS NEIGHBOURS: THE FIRST MITHRIDATIC WAR

I. THE COUNTRY. SOCIAL AND ECONOMIC CONDITIONS

ASIA Minor is divided by nature and has been divided by history into two parts. There is the western seaboard which, with its mild climate, its fair and rich river-valleys and excellent harbours, looking towards the open Aegean whence came the civilizing influences of Hellenism, may fittingly be called Anatolian Greece. In contrast with this, there is the eastern interior, which has for its home waters the landlocked Black Sea, once an Iranian, Scytho-Persian lake, and which looked to the East and lived the life of the neighbouring Oriental monarchies[1]. Of this part (which also included Armenia, Commagene, Galatia, Lycaonia and a part of Phrygia) Pontus or Pontic Cappadocia, the nucleus of the Mithridatic empire, and Great or Tauric Cappadocia form the western sector. These Cappadocian lands were once the centre of the eastward-looking Hittite empire; then, after that empire broke up, there came anarchy, until in due course they became part of the Phrygian empire and later a satrapy of Persia. Even after Alexander, these Eastern-Anatolian fragments of the Persian empire remained closely connected with the East, with the Seleucid empire and also with that of Parthia, and absorbed very little Greek life and civilization.

Cappadocian Pontus, including the mountains of the Paryadres and Paphlagonia, occupies a peculiar position among the lands of Eastern Asia Minor. Though closely connected with the rest and showing the same general geographical features, the northern part of Cappadocia, the mountainous land along the southern shore of the Black Sea and the regions north and west of the deep channel of the 'red' or 'salt' river Halys, is more diversified climatically, more varied but with less violent contrasts than the adjoining Cappadocian plateau, of which the northernmost section was also regarded as belonging to Pontus. The mountain ranges which branch off the Caucasus and run west parallel to the southern shore of the Black Sea are intersected by rivers which work their way painfully through the mountains towards the sea. Short and swift in the east they become longer and less torrential the more we advance towards the west. Three of them—the Thermodon, the famous river of the Amazons, the Iris and the Halys—form in their lower courses wide fertile deltas which are the only points in the Pontus where the mountains recede from the shore and where the coast affords safe harbourage from the storms and winds of the inhospitable sea (Pontus Axeinos).

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[1] On these connections see R. Dussaud, *La Lydie et ses voisins aux Hautes Epoques.*

Behind the coast the country is a sequence of river-valleys, wide or narrow, of broad lakes, of gentle hills, of high mountains with green slopes, often covered with groves of trees, including wild fruit-trees, and rising to bare rocks and peaks. The climate in these mountains and by the shore is much milder than that of the Cappadocian table-land, so hot in summer and so bitterly cold in winter, and the soil is much more fertile. Pontus had the reputation of being a rich land: cattle, sheep and horses, crops and fruits, especially grapes and olives and the famous Pontic nuts and cherries—a name said to be derived from Cerasus, a Greek city on the coast—and an amazing profusion of flowers and aromatic shrubs are enumerated as characteristic products.

Still more important was the fact that the eastern part of Pontus was very rich in metals: first and foremost iron, but also copper and silver. It was the mining district *par excellence* of the ancient Near East including Egypt; and the almost unanimous tradition of the ancient world ascribed the 'invention' of iron and steel to the clever smiths of the Chalybes. It was this wealth in metals which, above all, governed the historical destinies of Pontus. For hundreds of years caravans had carried its metals to Assyria, Babylonia, Syria, Phoenicia and Palestine, and even to the shores of the Sea of Marmara and of the Dardanelles and to the western coast of Asia Minor. It was, however, not long before the Greeks realized to the full the advantage of using the Black Sea for the export of metals into their home countries. It was the beginning of Greek colonization of its southern shores. Sinope and Trapezus, the first a clearing-house for commerce in metals, the second the harbour of the mining districts, were the earliest foundations in this region, and they kept this trade in their hands for centuries. Next was settled Amisus, the Athenian Piraeus of the Black Sea, a rival of Sinope for the trade with the Crimea and the South Russian Greek settlements, and, last of all, Heraclea and the towns which later combined to form the city of Amastris much farther to the west on the Bithynian coast, communities which set themselves to compete with Amisus and Sinope alike.

With the Greek cities came Hellenic life and culture. Were it not for the comparatively detailed descriptions of Strabo we should know little about them before the Roman period, for no one of these cities has been excavated, nor have they been often visited and studied by modern archaeologists. But we may fairly deduce that they resembled other Black Sea colonies, and we can be certain that their presence made the life of the coast Greek. Yet for a long time the hellenized coast remained the fringe of a land that was alien and designed by nature to remain so. From time immemorial the land of Pontus has turned its back to the sea. The mountains rarely slope gently down to the coast, and most of the rivers are either not navigable at all or for a short stretch only of their course. The hellenization of the coast had no significance for the economic development of Pontus as a whole; it was, indeed, dictated by considerations that had almost nothing to do with Pontus, except for the minerals produced in one remote corner of it. Thus the prosperity of these Greek cities is not the index of the prosperity of the hinterland and was not dependent upon it. As the inland valleys and mountains of Pontus meant little or nothing to these Greek cities, so these cities did little or nothing to influence the culture of Pontus.

Thus even after the Greek colonization of the coast, the political, social and economic structure of the interior remained almost exactly what it had been in the Hittite period. It was of the same Anatolian character as that which is plainly to be detected in Seleucid Asia Minor and Pergamum (see vol. VII, p. 176; vol. VIII, chap. XIX). But nowhere else in Asia Minor was it so well preserved in Hellenistic and early Roman times, and for no other region (except Commagene) have we so full and trustworthy a description of it as we have for Pontus and Cappadocia. For Pontus was the native land of Strabo, and his exceptionally detailed account of it affords evidence which is here in place, since this structure was the backbone of Pontic strength in the period of the Great Mithridates.

It was in Cappadocia proper that this order of things existed in its purest form. The land was ruled by kings and subdivided into ten districts or *strategiai* each with its own governor. Two governorships alone—Tyana and Cilicia—had urban centres. The capital of Cilicia—Mazaca or Eusebeia (in the Hellenistic period)—was the national metropolis, the fortified residence (like a military camp) of the king. No cities existed in the rest of Cappadocia[1]. Most of the people lived in villages, or in what Strabo calls *komopoleis* or *polichnia*. Even more characteristic were the strongholds mostly built high up on hills and mountains. Some of them were held for the kings and gave security to the royal possessions and slaves and serfs, while others rendered the same services to the friends of the king or the leaders (*hegemones*), feudal barons of the country.

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[1] Strabo XII, 537.

Another typical feature of Cappadocia were the temples. Four leading temples are described with great detail by Strabo; the temple of Ma at Comana, of the Cataonian Apollo, of Zeus Venasios, and of Artemis Perasia. Another temple of Zeus near the mount Ariadne is mentioned by Diodorus (XXXI, 34) as rich and important enough to be pillaged by Orophernes in 158 B.C. (vol. VIII, p. 522). Some of the temples, such as that of Apollo, had daughter foundations scattered over the countryside. All had the same character. The fullest description is given by Strabo where he speaks of the temple of Ma at Comana. 'In this Antitaurus,' he says (XII, 535), 'there are deep and narrow valleys, in which are situated Comana and the temple of Enyo, whom the people there call "Ma." It is a considerable city; its inhabitants, however, consist mostly of the divinely-inspired people and the temple-slaves who live in it. Its inhabitants are Cataonians, who, though subjects of the king, in most matters obey the priest. The priest is master of the temple, and also of the temple-slaves, who on my sojourn there were more than six thousand in number, men and women together. Also, considerable land belongs to the temple, and the revenue is enjoyed by the priest. He is second in rank in Cappadocia after the king; and in general the priests belonged to the same family as the kings.'

The social and economic structure of the Pontic region[1] was, apart from some modifications which will be mentioned later (p. 223), almost exactly the same as that of Cappadocia. The king's residences were scattered all over the country. The capital city of the Mithridatid dynasty was Amasia, whose citadel was held by a garrison under the command of a military governor (*phrourarchos*)[2]. No man was allowed to enter the citadel without a special permission of the *phrourarchos*[3], who often was an eunuch[4]. In the citadel were the palace of the kings and a large altar, dedicated no doubt to the divine protector of the dynasty—the Iranian Ahuramazda, slightly hellenized under the name of Zeus Stratios. Rockcut tombs beneath the citadel contained the mortal remains

[1] Strabo XII, 540 *sqq.*

[2] *O.G.I.S.* 365; *Studia Pontica*, III, no. 94.

[3] *Studia Pontica*, *ib.* no. 278.

[4] Ammianus Marcellinus, XVI, 7, 9; cf. Plutarch, *Demosthenes*, 25.

of the first four Mithridatidae. The rulers who preceded them had dwelt elsewhere, as in the strongholds of Gaziura and Cabeira[1].

Like Cappadocia, Pontus was subdivided into districts or provinces called eparchies as in Parthia, probably with *strategoi* as governors[2]. As in Cappadocia, fortified strongholds both of the kings and of the nobles were scattered all over the country. Strabo mentions the *Kainon Chorion*, Ikizari (or Kizari), Sagylion, Kamisa, Pimolisa and Kimiata. The owners of these castles, the feudal barons, were most of them of Iranian origin; one of them known from a Greek inscription is called Pharnabazus, while his vassal bears a Greek or hellenized name—Meriones[3]. No cities existed in Pontus except the Greek cities of the coast. Those which are mentioned in our sources as Greek cities, not as native quasi-cities, were created by the Mithridatid dynasty and will be dealt with later. The typical form of settlement was the village. The rich plain near Amasia had the name of Chiliokomon (thousand villages) and we are told that Murena overran in one raid four hundred villages (p. 353).

Temples of exactly the same character as those of Cappadocia play a great part in the life of the country. It is interesting to note that though these were dedicated to gods of various origin (the Cappadocian Ma, the Anatolian Men Pharnaku, the Iranian Anaitis with her two acolytes, and the hellenized Zeus Stratios), they all were organized in the Oriental fashion with a chief priest, with a large number of sacred slaves or serfs of both sexes, some of the women slaves being temple-prostitutes, and with vast stretches of land from which the income went into the treasury of the temple or the chief priest. Near the large *komopolis* of Ameria was situated the temple of Men, a god important enough to play the leading rôle alongside the Tyche of the king in his royal oath. The temple at the large village of Comana in Pontus was the counterpart of that in Cappadocia. Comana itself was the chief emporium for commerce with Armenia, and the temple, with its 6000 sacred serfs, and the town were noted for their luxury and dissipated life, a paradise for soldiers and for merchants. No less famous was the temple of Anaitis near Zela. The excavation of one or more of the Pontic or Cappadocian temples, which has hitherto not been attempted, would throw a much needed light on the organization and culture of these great centres of Anatolian life. Of the variety of races which lived together, the various cults which met in the Pontus are eloquent and our sources speak of twenty-two languages spoken in the region, a fact which indeed is not surprising in view of the many languages which were in use during the Hittite period.

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[1] Strabo XII, 547, 556.

[2] Cf. the inscription *Studia Pontica*, III, no. 66, l. 37, and Th. Reinach, *ib.* p. 85. The inscription mentions ὑπαρχίαι in Paphlagonia, and Reinach, contrary to his former opinion, was inclined in 1910 to correct the ἐπαρχίας of Strabo XII, 560 (on which the statement in the text is based) into ὑπαρχίας. The present writer sees no reason for such a correction. The Pontic ἐπαρχίαι were probably subdivided into ὑπαρχίαι. On Parthia, see M. I. Rostovtzeff and C. B. Welles, *A Parchment Contract of loan from Dura-Europus*, Yale Classical Studies, II, 1930, p. 49.

[3] *Studia Pontica*, *ib.* no. 95 *a*.

Such in short was the land which was organized into a solid state by the efforts of the dynasty of the Mithridatidae of which the greatest representative was Mithridates VI Eupator, who at last, in 89 B.C., ventured to challenge the power of Rome.

II. THE MITHRIDATID DYNASTY

It is beyond doubt that the dynasty of the Mithridatidae, which ruled in Pontus from at least 302 B.C. until the last offspring of it, Darius, son of Pharnaces II, was removed from the throne, belonged to the highest Persian nobility (their claim to be descendants of the Persian king has, of course, no foundation), to a family which was connected with Asia Minor for many generations. The identity of the earliest two representatives of the family, Mithridates and Ariobarzanes, is still a matter of controversy. It seems, however, more or less certain that the Mithridates whose end was reported by the historian Hieronymus[1] was one of the lesser city-dynasts of Asia Minor of the late Persian and early Hellenistic period. His city was Cius on the Propontis. Whatever his early history may have been, in the closing years of the fourth century, when he was more than eighty years of age, he supported Antigonus and planned to betray him. Whether he was at that time with Antigonus or in his own city of Cius while his son, also named Mithridates, was with Antigonus, or whether both of them were in Antigonus' camp we do not know. So much is certain, that the king became suspicious and decided to get rid of his former allies, both father and son. Warning was given of it to the younger Mithridates by his friend, the prince Demetrius, who was almost of the same age, and Mithridates fled, perhaps together with his father, who was soon killed either on his flight in Paphlagonia, or near his own city.

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[1] Of the birth of the Pontic kingdom there existed in ancient historical literature a complete and reliable account, that of Hieronymus of Cardia. His statements, however, in the hands of later writers, became hopelessly confused, and as a result we are still trying to find the way of restoring the account of Hieronymus in its original version.

In the turmoil of the events after Ipsus Mithridates the younger, who established his residence in Paphlagonian Kimiata, one of the Pontic strongholds, gradually succeeded in building up for himself a kingdom which he successfully defended against Seleucus I. Whether, however, he or his father is to be regarded as the founder (*ktistes*) of the kingdom and dynasty is a matter of controversy. Almost all modern scholars are inclined to give the credit to the younger Mithridates, but this opinion must be revised in the light of an inscription which, though several times published, has not been taken into account by recent historians of the Pontic kingdom[1].

The problem is closely connected with the question of the Pontic Era. It is known that Mithridates the Great used an era which started with the year 297 B.C., the first year of the Bithynian Era[2]. This era was still in use in the Bosporan kingdom in imperial times, and we have a synchronism which admits of no doubt as regards its starting-point. The same era was apparently used by Eupator's predecessor and father Mithridates Euergetes, as is shown by an inscription found at Ineboli (Abonuteichos) and dated by the king Euergetes and the year 161 of an unknown era[3]. If this era be the Bithynian and Pontic Era, the inscription belongs to the year 137/6 B.C. If we assume the Seleucid Era, the adoption of which by the Mithridatidae is perhaps less difficult to explain than the adoption of the Bithynian Era, then the date corresponds to 151 B.C., a date which fits equally well, since Euergetes was no doubt ruling as early as 149.

The era of Euergetes may then be either the Bithynian or the Seleucid. But, twenty years ago, the important inscription mentioned above was found in the ruins of Chersonesus in the Crimea (see further below, p. 221). It contains the oaths taken by the city of Chersonesus and a king Pharnaces of Pontus and is dated as in the year 157 of the era of Pharnaces. This era cannot be the same as that used by Eupator, for if it is the Bithynian, it gives the date 140 B.C., when Pharnaces I was long dead and buried, and Pharnaces II was not yet born; and if it is the Seleucid, it gives the date 155, which is also too late for Pharnaces I, since his brother and successor Mithridates Philopator Philadelphus was ruling in 156[1]. The era of Pharnaces must then have some other starting-point, which may be discovered. A treaty between Chersonesus and Pharnaces is most intelligible if it followed closely upon the war which raged from *c.* 183 to 179 B.C. between Pharnaces and a coalition of Anatolian states. In the peace which ended the war Chersonesus was included, and it seems logical to connect the treaty of the inscription with the peace-treaty, and to place it about the year 179. If that is so, then the era used by Pharnaces will begin in 336 B.C., which is precisely the year in which, according to Diodorus, the elder Mithridates began to rule in Cius. From this it follows that Pharnaces used an era which went back to the rule of the elder Mithridates and thus treated him as the founder of the dynasty[2]. Why Mithridates Euergetes changed to the Seleucid or the Bithynian Era and why Eupator used only the Bithynian we cannot tell. If then we place the ruler of Cius at the head of the dynasty as Mithridates I, it becomes possible to avoid the expedient of inserting a hypothetical Mithridates into the list of the kings in order to make Eupator what our sources declare him to have been, the sixth Mithridates and the eighth king of Pontus[3]. It also becomes possible to explain the number of royal graves at Amasia, the capital of the early kings. There are four of these and a fifth still unfinished. It was Pharnaces I who moved to Sinope and probably was buried there so that the unfinished fifth tomb may well be his; and if so the other four just suffice for the elder and younger Mithridates, Ariobarzanes and Mithridates the father of Pharnaces[4].

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[1] The inscription from Chersonesus, first published and discussed by R. Chr. Loeper, *Bull. de la Comm. Arch.*, XLV, 1912, pp. 23 *sqq.*; cf. E. H. Minns, *Scythians and Greeks*, p. 646, no. 172 (cf. p. 518 and p. 590, n. 1); *Ios. P.E.* I^2, 402.

[2] Loeper, *Bull. de l'Inst. Arch. Russe de Constantinople*, VIII, 1903, pp. 159 *sqq.* (in Russian), is of the opinion that both the Bithynian and the Pontic Era started with the same year, because the rulers of both realms assumed the royal title in this year, a little later than the other Hellenistic kings.

[3] Loeper, *ib.* VIII, 1902, pp. 153 *sqq.*; Th. Reinach, *Num. Chron.* V, 1905, pp. 113 *sqq.*

We may then assign to the younger Mithridates the credit, not of founding the dynasty, but of building up the power of Pontus. His endeavours, as those of his immediate successors, were directed towards the same goal as those of his neighbours of Bithynia,

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[1] Polybius XXXIII, 12. This argument holds good unless we assume not only that Pharnaces and Mithridates Philopator ruled together, but that Polybius omitted the name of Pharnaces and that Philopator enjoyed only a very short reign after the brother's death.

[2] This was first suggested by Loeper.

[3] Appian, *Mithr.* 9 and 112; Plutarch, *Demosthenes*, 4.

[4] See the list of Pontic kings at the end of the volume.

Pergamum and Cappadocia. Amid the political chaos of the times they sought to extend their borders and, above all, to include within them as many Greek cities as possible. From time to time in the course of these endeavours the Pontic kings emerge for a moment into the light of history, and it is possible to detect some of the stages in the growth of the monarchy from its beginning to the accession of Mithridates VI.

It is not known when they succeeded in adding to their kingdom the city of Amisus and its rich territory inhabited by people who in Roman times were reputed excellent agriculturists[1]. In about 255 B.C.[2] Amisus was certainly dependent on Mithridates III, since the city supplied the king and his army with grain sent through Heraclea at the time of a Gallic invasion. Since, however, the Pontic kings never thought of making the city their capital, it seems that Amisus retained a good deal of its autonomy and probably was, at least in theory, an allied not a subject city. It is equally unknown when the Pontic kings, while leaving alone for the moment the territory of Sinope, first reached the coast to the west of that city. Since Amastris was given to Ariobarzanes, the son and co-ruler of Mithridates II, by Eumenes its dynast as early as 279[3], the cities to the east of Amastris were no doubt reduced to obedience still earlier (we know that Abonuteichos was Pontic in 137/6 or 151/0 B.C.). Thus from 279 onwards the river Parthenius marked the frontier of Pontus to the west. How far the first four Mithridatid kings extended their power to the east and south we do not know. Armenia Minor was probably a vassal state, and Pontus had control of the rich mining districts of the Chalybes, perhaps even before the conquest of Pharnaces I. It was under the first four kings that a close connection was established between their dynasty and the Seleucids, when Mithridates III married Laodice, sister of Seleucus II and daughter of Antiochus II, and gave his own daughter Laodice to Antiochus III.

A new epoch begins with the reign of Pharnaces I, the ambitious and talented son of Mithridates III. He appears on the horizon for the first time in 183 B.C., when he was trying, after the downfall of the great Seleucid monarchy, to enlarge his kingdom at the expense of his neighbours, the Pergamenes and the Bithynians. In the main the attempt was abortive. However, Pharnaces I succeeded in taking and keeping Sinope and its territory, thus making good the failure of his predecessor in 220 B.C., when the city received the efficient help of Rhodes (vol. VIII, p. 625). It was at Sinope that from 183 onwards was established the main residence of the kings, an event eloquent of the claim of Pontus to belong to the family of completely hellenized monarchies.

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[1] F. and E. Cumont, *Studia Pontica*, II, p. 126.

[2] Memnon, 24.

[3] Memnon, 16.

In the great war which began with the taking of Sinope Pharnaces aimed at creating a kind of empire such as was later achieved by his grandson Eupator. It is surprising to find mentioned in the treaty which ended the war[1], alongside the important monarchies and cities, the relatively insignificant town of Chersonesus and Gatalus, the Sarmatian, apparently its ally. We have seen, too, that this inclusion of Chersonese in the treaty was probably closely followed by a special treaty between Pharnaces and Chersonesus. These two facts and the interest which Rome took in Chersonesus can only be explained by assuming that Pharnaces sought to extend his empire into the Crimea and to seize Chersonesus as his starting-point. This attempt explains the general character of the treaty, which aims chiefly at denying to Pharnaces the right to encroach on the liberty and democracy of Chersonesus; it also helps us to understand the fact that both Heraclea (together with Mesembria and Cyzicus) and a Sarmatian king, no doubt allies of Chersonesus, took part in the war. Gatalus, the Sarmatian, was probably used as a check upon the Scythians, allies of Pharnaces[2], whereas Heraclea, Cyzicus and Mesembria were anxious to maintain freedom of trade in the Black Sea. The failure of Pharnaces was also attested by his retrocession of Tieum or Tius, the neighbour of Amastris, which he had succeeded in conquering during the war, a conquest which probably gave Heraclea additional cause to take an active part in the war. For a while, no doubt, the progress of Pontus was stopped, though it is very probable that, either in the same war or perhaps later, Pharnaces succeeded in extending his territory on the sea coast towards the east, where he annexed the colonies of Sinope, Cerasus and Cotyora, and transported their populations to a new city named after himself Pharnaceia. In the second half of his reign, however, the king was still feeling the results of his failure. An Athenian decree set up at Delos[3] shows that in 172/1 or 160/59 he was still suffering under a serious financial strain and found it difficult to meet his previous obligations towards Athens.

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[1] Polybius xxv, 2.

[2] They are not mentioned in the treaty, but compare the story of Amage the Sarmatian in Polyaenus VIII, 56.

[3] *I.G.* XI, 4, 1056; *O.G.I.S.* 771; Durrbach, *Choix*, 73; A. Wilhelm, *Jahreshefte*, XXIV, 1929, pp. 174 *sqq.*; R. Laqueur, *Epigr. Unters. z. d. griech. Volksbeschlüssen*, pp. 55 *sqq.*

The reason was probably the heavy cost of the war and of the war-indemnities which the treaty forced him to pay. And yet he was not discouraged, and worked hard to counteract the progress of Rome, if that is the explanation of his marriage late in life with Nysa, the daughter or grand-daughter of Antiochus III, a marriage which is attested by the same decree.

The date of his death is unknown. The current view is that he died about 170/69, when Polybius gives a short characterization of him. But it is far from certain that similar general remarks of Polybius are obituary notices, and it is not impossible that he lived longer[1]. In his policy, perhaps during the second part of his reign, he was assisted by his brother, who became his successor and, presumably after his death, married their common sister Laodice. We have beautiful coins[2] of both Pharnaces and his brother and successor Mithridates Philopator Philadelphus and his sister-wife Laodice, while the coins of two kings named Mithridates, which, no doubt, are earlier than those of Pharnaces, may be assigned to Mithridates II and Mithridates III[3]. A Delian inscription[4], indeed, suggests that Philopator like Ariobarzanes before him ruled together with his brother, and the same inscription suggests further that Laodice, their sister, had a share in this joint rule. This fact makes it the more difficult to find out the exact date of the death of Pharnaces. The fact, however, that Philopator made a dedication in Rome probably soon after 168/7[5], and that he alone is mentioned as helping Attalus against Prusias in 156 B.C. makes it probable that Pharnaces died not very long after 172/1 B.C., one of the two possible dates of his marriage with Nysa[6].

Philopator, who ruled on behalf of Euergetes the young son of Pharnaces and Nysa, was probably dead before 149 B.C., for in this year Euergetes helped the Romans against Carthage. Later, in 133 B.C., Euergetes appears again assisting the Romans, this time against Aristonicus (p. 105). As has already been mentioned he appears in an inscription belonging to 137/6 B.C. or to 151/0 (p. 217)[7].

The most important event in the reign of Euergetes was his participation in the war against Aristonicus and what happened after the end of this war. He and Nicomedes king of Bithynia were rivals for the possession of Phrygia (p. 106), and an inscription found near Synnada[1] shows that he was successful in his endeavours and ruled over Phrygia until the end of his life. This suggests that he had both Paphlagonia and Galatia under his control. He was equally successful in occupying Cappadocia and placing on its throne a king who was practically his vassal (Ariarathes Epiphanes, who married the daughter of Euergetes) and in adding to his kingdom the part of Paphlagonia which was still ruled by its own kings. The last of them, Pylaemenes, bequeathed his kingdom to Euergetes. Euergetes was married to a queen whose name is not known to us, but who was probably a princess of the Seleucid house[2].

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[1] If we date the inscription of Delos quoted above in 160/59 instead of 172/1.

[2] See volume of Plates iv, 2, *m*, *n*, *o*.

[3] *Ib.* 2, *k*, *l*.

[4] Durrbach, *Choix*, no. 74; cf. the text of the treaty of 179 (where Pharnaces is associated with Mithridates), Polybius xxv, 2.

[5] Dessau 30, cf. 31; *O.G.I.S.* 375, cf. *ib.* 551.

[6] The other, later, date 160/59 seems therefore improbable.

[7] It is worth mentioning that before the discovery of the inscription and of the coins of Philopator some scholars were inclined to identify Philopator and Euergetes.

Scanty as is the information which we possess on the first Mithridatidae we can recognize the general lines of their policy. Their chief aim was to consolidate and to increase their kingdom, and to this end they used all the available means, no more disturbed about their moral or immoral character than all their crowned and uncrowned contemporaries. One of these means was the use of the resources which Greek civilization offered them. This, along with the increased income which could be derived from the Greek cities, made them strive first and foremost to incorporate their Greek neighbours in their kingdom. What they needed from them was their help in organizing an efficient army and navy, in improving the organization of their revenues and in assisting them to acquire a good reputation in the eyes of the Greek world, for which they cared very much indeed.

How far they intended to hellenize the non-Greek parts of their kingdom it is very difficult to say. No doubt they had not the slightest desire to force urban life upon Pontus as a whole. Only one city designated by a dynastic name and at all comparable with those which were created in scores by the Seleucids was created by the predecessors of Eupator. It was Laodicea, known to us only from coins and from the survival of the name (modern Ladik)[3]. The synoecism of Cerasus and Cotyora and the creation of Pharnaceia by Pharnaces I have nothing to do either with urbanization or with hellenization.

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[1] *O.G.I.S.* 436=*I.G.R.R.* IV, 752.

[2] Her identification with the Laodice of a silver tetradrachm is very problematic.

[3] Volume of Plates, iv, 4, *j*. Compare the similar coins of Amastris and Amisus, *ib.* iv, *k*, *l*.

So long as no one of these Greek cities has been excavated, we have no means of knowing how the Pontic kings treated the few cities which they incorporated in their realm. *A priori* it is probable that Amisus, Amastris and the other cities which were annexed before Pharnaces I enjoyed a larger amount of autonomy than Sinope, the capital of the later Mithridatidae, and the new creations Pharnaceia and Laodicea. On the other hand Pharnaceia as well as Amastris was allowed to mint copper earlier than the reign of Eupator[1].

Thus from the Greek point of view, Pontus after two centuries of the rule of the Mithridatid dynasty remained a country of villages and temples not of cities. This does not mean, however, that more or less hellenized urban centres did not develop there. The capital of Pontus before Pharnaces I and the home of Strabo, Amasia, had no doubt a large Greek population. The same is probably true of so important a market and caravan city as Comana. By intermarriage and social intercourse the Greeks must have done much to hellenize the native aristocracy. The best instance of it are the kings themselves, who were proud of their close family connection with the Seleucids and who, all of them, spoke and wrote Greek and showed a great appreciation of Greek literature and art. The same is true of the nobles with native names who were sent out as ambassadors, for example, to Rome. And yet the kingdom never became really hellenized. Until the end of its independent existence it remained as it used to be before the founding of the dynasty. Proud as they were of their Greek training, the Mithridatid kings, especially Pharnaces I and his successors, were still more proud of their Iranian connections. They claimed to be descendants of the Persian kings, and they remained devoted to their native gods, especially to those who, like themselves, were of Iranian origin.

If we look at the coins of the Mithridatid kings we notice one interesting phenomenon. The rare coins of the predecessors of Pharnaces I are almost exact reproductions of the coins of Alexander and of those of the early Seleucids, Greek through and through[2]. With Pharnaces, however, the reverse types of the coins become more individual and Iranian. Pharnaces I indulges in a certain mystic syncretism, which was in the air in this period (see vol. VII, p. 5 *sq.*). His god, the mysterious youthful god of his coins[1], was a beautiful youth wearing a *bashlyk*, holding the attributes of Hermes and those of Tyche and feeding a little stag with a branch of ivy or vine. This young god is no doubt related to Zeus: over his head there appears the thunderbolt. At the same time he belongs to the gods of the astral religion as shown by the crescent and star which from this time on become the main symbol or coat of arms of the dynasty. The god has been explained recently[2] as the Graeco-Oriental Aion, the divine son of Zeus who symbolizes the *Saeculum frugiferum*, the same mystic being, perhaps, as the similar figure on Roman coins and the divine child of the Fourth Eclogue of Virgil. However this may be, the god of Pharnaces is more Iranian than Greek (in this like the god of the kings of Commagene—Apollo-Helios-Hermes-Mithras), though it was a Greek artist who fashioned the cult-statue figured on the coins. Zeus, his father, is no doubt Ahuramazda rather than Zeus, and his essence is nearer to the essence of Mithras and *Hvareno* (the kingly glory) than to that of Hermes and Tyche. We find the same Greek travesties of Iranian political and religious ideas on the coins of Pharnaces' successors: Perseus, the mythical ancestor of the Persians, appears on the coins of Philopator, and his horse Pegasus on those of Eupator[3]. No doubt we must regard the Dionysus of Eupator as an Anatolian not as a Greek god, a symbol, like the Ephesian stag, of his Anatolian empire.

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[1] In the inscription of Abonuteichos mentioned above the city retains her phratries. The *strategos* in whose honour the inscription was dedicated may be a general of Euergetes or the chief magistrate and governor of the city appointed by the king. The same was the practice of the Pergamene kings (vol. VIII, p. 601).

[2] Volume of Plates. iv, 2, *k*, *l*.

It is worthy of note that nothing in the coins reveals any influence of Iranian art; they were made by Greeks in the purest Greek style. The portraits of the kings before Eupator are wonderful in their brutal realism[4]. We see before us the astute and cruel rulers of Pontus in all their original ugliness. Eupator dropped this style and preferred to appear as a new Alexander the Great with his hair floating romantically around his head[5]. While the portraits of the coins are real productions of a great art, Greek in their very essence, most of the reverse types of the coins, equally Greek, are trivial and of no artistic importance.

It seems that the Hellenistic period interrupted an evolution which started in North Asia Minor in the fifth and fourth centuries B.C. This period produced interesting monuments in a peculiar style which we call Graeco-Persian. To this style belong many objects found in the Bosporan kingdom[1], the front of the rock-grave of Kalekapu in Paphlagonia[2], the beautiful Perso-Ionian silver vases, one said to have been found in Armenia (one part is now in the Louvre, the other in the Berlin Museum)[3], another found in a fifth-century grave at Duvanli in Bulgaria[4], and, finally, the interesting Graeco-Persian gems[5]. On the other hand the Hellenistic period has not yielded anything similar to it, any object of art which would be an attempt at a synthesis of the Greek and Iranian artistic creative power. The attempt to create a new version of Graeco-Persian art came later, simultaneously in India, Parthia, Mesopotamia and even Commagene, at a time when Pontus had played its part in world history to a close[6].

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[1] Volume of Plates, iv, 2, *m*.

[2] A. Alföldi in *Hermes*, LXV, 1930, p. 378.

[3] Volume of Plates, iv, 2, *n*; 4, *c*.

[4] *Ib.* 2, *l*, *m*, *n*.

[5] Cf. F. Winter, *J.D.A.I.* IX, 1894, pp. 245 *sqq*.

Thus the Iranian and the Greek elements in Pontus were never fused in Hellenistic times into one unit: they lived on quietly side by side. Each had its special part in the policy of the Pontic kings. The same phenomenon may be noticed in the life of the Parthian Empire in the Hellenistic period (p. 595).

The leading political idea of Eupator, the creation of a Pontic Graeco-native empire including large parts of Asia Minor, was not first devised by Eupator. No doubt Pharnaces I had the same ideals, which he transmitted to his brother, his son and his grandson. This Pontic empire was not a national State like the Parthian empire: it was an unification of all the Pontic Greeks around one dynasty which was supported by the strength and cohesion of their Oriental subjects. It was an empire with a Greek sea-front and an Oriental hinterland.

III. THE CONQUEST OF THE BLACK SEA COAST

An end was put to the brilliant achievements of Euergetes by a court tragedy. He was assassinated by his friends, and a last will and testament (probably forged) appointed his wife to rule in the name of her two sons Mithridates Eupator, who was at that time (121/0 B.C.) eleven years old, and Mithridates Chrestos. It is very probable that Mithridates' mother helped in the assassination of her husband in order to become the ruler of the kingdom. The murder of Euergetes was welcome to Rome, for he had begun to be too strong and therefore dangerous to the Romans. After his death, under one pretext or another they reduced Pontus to the size which it had before the time of Aristonicus and the successes of Euergetes in Cappadocia and Paphlagonia (p. 106)[1].

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[1] See, for examples, volume of Plates iii, 84, *d.* (cf. the sword sheath recently acquired by the Metropolitan Museum of New York, *Bull. Metrop. Museum*, 1931, pp. 44 *sqq.*), 90, 92, *b*, *c*, 104.

[2] Best reproduced by R. Leonhard, *Paphlagonia*, pp. 246 *sqq.*

[3] Volume of Plates i, 324, *d.*

[4] *Ib.* iii, 62, *e.*

[5] M. Maximowa, *J.D.A.I.* XLIII, 1928, *Arch. Anz.*, pp. 648 *sqq.*; A. S. F. Gow, *J.H.S.* XLVIII, 1928, pp. 133 *sqq.*, pls. IX, X; A. Procopé-Walter, *Syria*, X, 1929, pp. 85 *sqq.*

[6] To this period belongs also the creation of the cult-image of the Roman Mithraea—Mithra Tauroktonos.

There gathered a staff of historians at the court of Eupator who certainly used all devices of late Hellenistic historiography to make the story of their patron a thrilling and romantic one. How much truth there is in their stories of the various plots and conspiracies against the life of Mithridates in his early youth and of his solitary life in the mountains for seven years cannot be found out. But sometime before 115 B.C.[2] a new *coup d'État* ended the rule of Mithridates' mother, and that ambitious woman spent the rest of her life in prison. The two boys were left alone to rule over the kingdom, until Chrestos was removed by his older brother.

The spirited young king suffered the humiliation of receiving from his mother a kingdom considerably reduced in size. On the other hand, the great programme of Pharnaces I and the achievements of Euergetes were there to spur his activity. The political situation was not unfavourable for ambitious plans. There was, it is true, a governor in the recently created province of Asia. But the Senate, being at this time without imperialistic aims and fully occupied with the tribunate of C. Gracchus, the Jugurthine War and the growing danger of invasion from the North, left Asia Minor to disorder and confusion.

We know very little of the chronology of the early wars of Mithridates. His great conquest of the south-eastern and northern shores of the Black Sea cannot be dated with any approach to precision. All that is certain is that it preceded the first war with Rome and probably began before the king's earliest activity within Asia Minor. The extant notices of these wars are scanty indeed. Had we not an inscription in honour of the Pontic general Diophantus[1], we should not be able to reconstruct from the scattered remarks of Strabo any connected history of even one part of the Crimean wars of Mithridates.

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[1] An inscription of 155 B.C. recently found at Cyrene and published by G. Oliverio (*La Stele di Tolemeo Neoteros re di Cirene* in *Documenti Ant. dell' Africa italiana* Vol. I. fasc. 1, 1932), containing the will in the form of 'donatio mortis causa' of Ptolemy the Younger (later Euergetes II), then King of Cyrene and claimant to Cyprus, in favour of the Romans, shows, if compared with the later similar acts of Attalus III, Nicomedes III and Ptolemy Apion of Cyrene, that the testaments of client kings were for a while a device in the foreign policy of the ruling party in the Roman Senate, a kind of disguised imperialism. It is very probable that the Romans expected Euergetes of Pontus to behave in the same way. In this they were mistaken. Euergetes was recalcitrant, and paid for it with his life.

[2] The date is fixed by the inscription of Delos (*O.G.I.S.* 369; Durrbach, *Choix*, 113) in honour of the king and his brother. Cf. *O.G.I.S.* 368; Durrbach, *Choix*, 114. The inscription is dated by the name of the dedicant. It is probable that the dedications were made after Mithridates' official accession, and, if so, the seven years in the mountains must be considerably reduced.

The history of the Bosporan Kingdom in the third and second centuries has been described in the preceding volume (chap. XVIII). The new factor in the situation of the Greeks in the Bosporus, in Chersonesus and its territory (the fertile lands on the western shore of the Crimea), and in Olbia, was the appearance in the steppes of South Russia of one tribe of Sarmatians after another. The Scythian Empire in South Russia and in the northern part of the Balkan peninsula, weakened by the Macedonians under Philip, Alexander and Lysimachus and later by the Thracians and the Celts, was gradually retreating to the coast leaving the steppes of South Russia to the Sarmatians and the Danube region, except the Dobrudja, to Sarmatians, Thracians and Celts.

The process was a very slow one. In the third century the Greeks did not feel any unusual pressure from the Scythians, though from time to time Bosporus had to do some fighting while Chersonesus was mainly occupied in defending its territory against the raids of the Taurians[2]. The situation of Olbia was worse, for that city had already begun to feel the evils of the growing anarchy in the steppes of South Russia[3]. The more heavily the Sarmatians pressed upon the Scythians, the more difficult became the plight of the Greek cities. And yet in the first half of the second century conditions were still tolerable. Bosporus enjoyed at this time a kind of renaissance (vol. VIII, p. 581), while Chersonesus was successfully fighting for her liberty against Pharnaces I and perhaps the Scythians, upon whom alliances with the Sarmatians were an efficient check. We hear twice of such alliances: once at the time of the Pharnacian war, and again when the Sarmatian queen Amage (who in the name of her drunken husband herself ruled like many Hellenistic queens) made a daring raid upon the Scythian capital in defence of the Chersonesites.

Towards the second half of the second century the situation of these Greek cities changed for the worse. There arose in the Crimea a comparatively strong and united Scythian State. The little we know of it shows that its founder, the king Scilurus, was a very able ruler. It appears that he secured himself by means of treaties and concessions and became an ally of the most vigorous Sarmatian tribe, the Roxolani. His hands were therefore free for activity on the coast. How he succeeded in occupying Olbia and reducing her to vassalage we do not know, but the Olbians were probably glad to have a protector against the various oppressors who threatened their very existence. With the help of the Olbians Scilurus organized his Crimean State. He and his sons reduced some tribes of the Taurians to obedience and built fortresses in their territory[1], thus becoming near neighbours of Chersonesus. In the centre of the Crimea Scilurus built a fortified capital Neapolis, in which many Greeks lived, as is shown by their inscriptions in honour of the kings[2]. His income he increased in the most efficient way by organizing through the great merchants of Olbia—we know of one Posideos who was in close relations with Rhodes—an important export of grain to western markets like that of Masinissa of Numidia at about the same time. And to protect this export trade he used the naval experience of the Olbians. An Olbian merchant-condottiere suppressed for him the piracy of the Satarchae, a tribe of the northern Crimea[3].

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[1] *Ios. P.E.* 1^2, 352; Ditt.^{3} 709.

[2] *Ios. P.E.* 1^2, 343, cf. 344.

[3] *Ios. P.E.* 1^2, 32; Ditt.^{3} 495.

It is interesting to observe that exactly the same state of affairs that we find in the Crimea obtained on the western shore of the Black Sea. An inscription of the Greek city of Istros[4] and many coins show that the Scythians at the mouth of the Danube followed the same policy as that of Scilurus. They reduced the Greek cities to obedience, and in return for this obedience and a heavy tribute protected them—as efficiently as they could—against the ever-renewed attacks of the Thracians. The tone of the inscription of Istros mentioned above shows that the Greeks were more or less reconciled with the Scythians. The enemies whom the Greeks dreaded were the Thracians, and not without reason. The Scythians never destroyed a Greek city; the Thracians did so repeatedly. Istros fell a victim to them[5] and later Olbia, which, while still a prosperous city, was destroyed by the Getae (between 67 and 50 B.C.), at a time when there were no Scythians to protect her.

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[1] The royal residence *Chaboi* or *Chabon*, and Palakion (Strabo VII, 312) are to be regarded as fortresses.

[2] *Ios. P.E.* I^2, 668–673.

[3] *Ios. P.E.* I^2, 672, cf. *S.E.G.* III, 606.

[4] This inscription has been recently discussed in a meeting of the French Academy by Prof. Lambrino, and a publication of it is in preparation. Cp. *S.E.G.* II, 446, and the later decree for Aristagoras, *Ditt.*^{3} 708. Much later is the decree of Dionysopolis for Acornion, *Ditt.*^{3} 762; M. Holleaux, *Rev. E.A.* XIX, 1917, pp. 252 *sqq.*

[5] Ditt.^{3} 708.

Master of Olbia, Scilurus no doubt wished to extend his empire to the east and south as well and to consolidate and increase his Graeco-Scythian state, a little Parthia in the Crimea, by using the resources of Panticapaeum and the other cities of the Bosporus and of Chersonesus and her dependent cities. By heavier demands for tribute Scilurus found a way of interfering with the internal affairs of the Greek cities and, in case of necessity, of invading their territory and attacking the cities themselves. Nor was this the end of the story. When Scilurus died, a very old man, his many sons followed the same policy. They recognized the authority of one among them, Palacus, and continued their pressure on the Greek cities.

The resources of the Greek cities were exhausted. The last Bosporan king was probably forced to adopt a Scythian prince (Saumacus) and to give him a Greek education, thus preparing for Bosporus a Scytho-Greek new dynasty. The Chersonesites were hard put to it to ward off the attacks of the Taurians and the Scythians. Bosporus and Chersonesus alike were faced by the choice either to submit like Olbia and the cities of the Dobrudja to the slightly hellenized Scythian kings and rely upon them for their safety against the attacks of the Sarmatians and Taurians, or to find help from outside. The Greek cities of the Black Sea shore with which both the Bosporus and Chersonese stood in uninterrupted relations for centuries, Amisus, Sinope and Heraclea, were no longer able to help, for Amisus and Sinope were now subjects of Pontus and Heraclea had enough to do to defend her own independence. Rome was far away and not interested in the Crimea. The only hope was in the kings of the opposite coast, the Bithynian or Pontic rulers, who were a little more hellenized than Scilurus and his sons.

Chersonesus and Bosporus decided to appeal to Mithridates for protection. Their choice was probably dictated by previous diplomatic relations with the Pontus and by the interest which Pontus always showed in Crimean affairs. However that may be, after exchanges of embassies[1] the king dispatched a citizen of Sinope, Diophantus son of Asclepiodorus, with an army across the sea to help Chersonesus against the Scythians. Diophantus, who cannot be the same as the author of the treatise *Pontica*, was probably a well-known general of the usual type, a successful condottiere. Two expeditions were needed to break the resistance of Palacus and his allies the Sarmatians, and probably others, before the sway of the Pontic kings was extended to Olbia and the Greek cities across the Bosporan straits.

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[1] *Ios. P.E.* 1^2, 349, cf. 351. *Ib.* no. 349, which mentions the envoy of a Pontic king, may be dated in the reign of Philopator or Eupator. In 351, honours are granted to a Sinopian who may have been an ambassador.

A long decree of the city of Chersonesus in honour of Diophantus, which has been mentioned above, gives us a good account of his two expeditions to the Crimea. The first is dealt with briefly (the events of this expedition were narrated in a previous decree voted after the end of the first expedition), the second in some detail. Many facts mentioned in the decree appear also in the excerpts of Hypsicrates' history of Mithridates inserted by Strabo into his description of Scythia and the Crimea. Among these excerpts, however, there are some which mention facts of a later date and one which tells a story which may be connected with the expedition of Diophantus, but is not mentioned in the decree.

The history of the occupation of the Crimea by Diophantus may be summarized as follows. After his arrival at Chersonesus he set out at once to invade the enemy's country. Palacus, to his great surprise, was well informed about his movements and met him at once in the open field. A brilliant victory opened to the arms of Pontus the way into the Taurian region and the Bosporan kingdom. After having crushed the resistance of the Taurians, and having founded in their country a fortified city perhaps called Eupatorion to match Mithridates' Eupatoria in Pontus, Diophantus entered Bosporan territory. Whether he reached the city and received the submission of the last Paerisades, who had offered it to him long before, cannot be ascertained. Returning to Chersonesus, Diophantus with his army and the civic militia invaded the country of the Scythians, took the two royal residences of Chabaioi (Chaboi in Strabo) and Neapolis, and reduced the Scythians to submission. After the end of this first campaign, which may have been carried out in two successive years, Diophantus regarded his work as finished, and embarked for Sinope after duly receiving the grateful thanks of Chersonesus.

However, some time later, probably not in the next year, the Scythians felt strong enough to refuse obedience to the Pontic kings and to start the war again. Between the two expeditions of Diophantus, shortly before the second, may be set the incident related by Strabo (VII, 312) which is not mentioned in the inscription. The episode, however, is not dated and may have happened earlier or later. The Scythians laid siege to a fortress built by Mithridates (Eupatorion, probably not to be identified with the fortress, perhaps of the same name, built by Diophantus in the country of the Taurians) across a bay either from the city of

Chersonesus or from a fortified Chersonesian town *Teichos*. The siege ended in the repulse of the besiegers[1].

Diophantus started his second expedition in the late autumn, and advanced at once into the enemy's country with the militia of Chersonesus and his own army. Bad weather and probably snow prevented him from crossing the Taurian mountains, whereupon he turned towards the western sea coast in order to rescue from the Scythians the cities dependent on the Chersonesites—Cercinitis, which lay near the modern Eupatoria, a lesser fortified town or towns, whichever is meant by the name *Teiche*, and Kalos Limen, of which the site is unknown. He took Cercinitis and the *Teiche* and had laid siege to Kalos Limen; whereupon Palacus appeared in force with a strong army which consisted of his own troops and of an allied corps of the Roxolani. According to Strabo (VII, 306) the Roxolani, or perhaps the whole of the army of Palacus, numbered 50,000 men, the forces of Diophantus six thousand. The battle, as had been foretold by the great goddess of Chersonesus, ended in a Pontic victory, and meanwhile the Chersonesites succeeded in reducing Kalos Limen[2]. Diophantus in turn marched against the two Scythian capitals and probably occupied them. From here he went, unattended by his army, to Panticapaeum and settled affairs there. Suddenly the Scythian Saumacus, adopted son of Paerisades, rose in revolt, killed the king and forced Diophantus to flee to Chersonesus. Here he collected the citizen militia, mobilized the fleet and his own army and moved in the early spring against Theodosia and Panticapaeum. The cities were taken, Saumacus surrendered and was sent to Pontus. The acquisition of the Crimea was achieved. After his two splendid expeditions Diophantus disappears from history. The war, however, was not yet ended.

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[1] The topography of this siege is hopelessly confused in Strabo and is hotly debated by modern scholars. In the opinion of the present writer the most probable theory is that of Berthier Delagarde, who identified the city mentioned by Strabo with the ruins on the little peninsula which was called Parthenion by the ancients, where to-day the Chersonesian lighthouse stands. A further suggestion by the same scholar, that these ruins are identical with the 'old Chersonesus' of Strabo, is supported by the quite recent discovery of large and well-preserved ruins under the level of the sea opposite the lighthouse. Strong walls surround this city; the agora is well recognizable. Against the inroads from outside, the promontory on which this city stood was defended by a double wall which ran from the sea to the bay, ruins of which were discovered some years ago. No detailed account of the discovery has been printed yet. A preliminary report may be found in an article by Prof. Grinevich in the newspaper *Moskva Vecher*, Oct. 22, 1930, no. 247.

[2] *Ios. P.E.* I², 353.

Neoptolemus, the admiral of Mithridates, is found engaged with the barbarians of the other side of the Bosporan straits, presumably Sarmatians and Maeotians. It is reasonable to suppose that this enterprise, which led to two bloody battles, one by sea and one by land, the latter on the ice of the frozen straits, had for its purpose to rescue from the barbarians the Greek cities of the Taman peninsula and to annex them to the kingdom of Pontus[1].

Another expedition was organized in order to add Olbia and her territory to the acquisitions of Pontus. So much at least may be deduced from an inscription[2] which shows that during the wars with the Romans Olbia was in the hands of Mithridates; and a name mentioned incidentally by Strabo (VII, 306)—the tower of Neoptolemus not far from Olbia—suggests that it was Neoptolemus who led the expedition which ended with the annexation of Olbia. Here again we find a fortified stronghold built by the general of Mithridates near a Greek city—a sign that the king did not wholly trust the loyalty of his new subjects. From here no doubt Mithridates extended his help also to the Greek cities of the Dobrudja and came into touch with the Thracian and Celtic tribes. It is very probable that after some fighting with the most warlike tribes of these regions—the Sarmatians and the Bastarnae—a kind of Pontic protectorate was finally established over some at least of the Greek cities of the western shore of the Black Sea[3].

As a result of this sequence of expeditions, not one of which was led by the king in person, all the Greek cities of the Crimea and of the northern shore of the Black Sea with their territories became a part of the Pontic kingdom. The capital of Mithridates in this new realm was Panticapaeum. Here was the residence of his viceroy, who was generally one of the sons of the king (first Machares, later Pharnaces), to whom the other Greek cities were subject. How much of their autonomy they retained it is hard to say. It is probable that both Chersonesus and the cities of the Bosporus still coined their own money (silver and copper), with Mithridatic types[4]. Chersonesus and Olbia certainly kept their popular assemblies, their councils and their magistrates. Whether the 'free' Greek cities had to pay any tribute or not is not known, but in any event, their political independence was gone.

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[1] Strabo VII, 307; II, 73.

[2] *Ios. P.E.* I², 35.

[3] The date of these operations is unknown, and they may be much later than the conquest of the Crimea. The protectorate is suggested by Mithridatic types on the coinage of the Greek cities of the western shore of the Black Sea and by their behaviour during the wars of Mithridates with Rome. See Volume of Plates iv, 4, *f*, *g*, *h*, *i*.

[4] *Ib.* 4, *j*–*o*.

Outside the city territories conditions remained the same as they used to be. No doubt the Scythians retained their native kings, the Maeotians their chieftains and the Sarmatians their petty kings or princes. Some of them may have been appointed by Mithridates; at all events the Scythian kings complained in Rome about their being evicted from their kingdoms[1]. Some paid a tribute, chiefly in kind. The revenue of Mithridates from his new province—200 talents in silver and 180,000 medimni of grain—may be regarded as including not only the customs-duties and possibly other taxes of the Greek cities, the tithes of the landowners and the rents of the farmers and 'royal peasants' of the crown domains in the Bosporus but also payments by some of the vassal kings. But the chief advantage which Mithridates derived from his conquests was the unlimited possibility of drawing upon the resources in men of his new vassals, who had long been wont in case of need to send to their suzerains allied contingents which were practically mercenary corps. The army of Mithridates came to consist largely of such detachments of Scythians, Sarmatians, Maeotians, Thracians and Celts[2].

While year after year Mithridates' generals were conquering for him the northern shore of the Black Sea, other enterprises unnoticed or ignored by the Romans extended his rule over its southern shore. From the time of Pharnaces Lesser Armenia regarded the Pontic kings as her suzerains. When Mithridates claimed to convert this suzerainty into actual sovranty her ruler Antipater, son of Sisis, surrendered without fighting. Lesser Armenia became a kind of stronghold or fortress for keeping the King's treasures: 75 *gazophylakia* were built here by Mithridates and they rendered him good service later. How and when Mithridates joined to Lesser Armenia the coast of the eastern Paryadres with the city of Trapezus and the kingdom of Colchis which opened to him the way to Iberia, Atropatene and Great Armenia is not known. The value of these accessions, which apparently were easily won, was not to be despised, for Trapezus was the chief harbour for the export of minerals from that region, while Colchis supplied timber and hemp for the Pontic fleet. This latter region was organized as a satrapy and was ruled sometimes by a member of the royal family.

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[1] Memnon, 30; Appian, *Mithr.* 13.

[2] Some of the Thracians, however, never became allies of Mithridates and sided with the Romans; see the decree of Chaeronea, M. Holleaux, *Rev. E.G.* XXXII, 1919, pp. 320 *sqq*.

IV. MITHRIDATES EUPATOR AND ASIA MINOR: THE FIRST PHASE

At the very end of the second century Mithridates made a journey incognito round Asia Minor ending with Bithynia, which must have shown him the complication and anarchy which prevailed. Pontus was surrounded by many states—Cappadocia, Galatia, Paphlagonia and Bithynia—which occupied towards Rome and her province of Asia the same position as Pontus. Nominally, like Pontus, all these states were independent allies of the Roman People, practically they were Roman vassals. This they all felt, some of them with bitter resentment. By that time the development of these states and their attitude towards Rome and each other were on the eve of assuming more than local importance. It was to be the destiny of the king to bring them into the tide of world history, and his own early activity in this direction found a counterpart in that of the ruler of Bithynia.

Bithynia was gradually built up by the steady efforts of her Graeco-Thracian dynasty. Nicomedes I, Ziaelas, Prusias I corresponded in the history of Bithynia to the first Mithridatids of the Pontus. With Prusias II started the period of Roman intervention to which Prusias submitted in the most abject way. His murderer and successor Nicomedes II Epiphanes, the contemporary of Eupator, played in Bithynia more or less the part of Mithridates Euergetes. His ambition, however, equalled that of Eupator. His kingdom was rich and prosperous, and hellenization made much more progress than in the Pontus. The Bithynian kings were great city-builders: Nicomedeia, Nicaea, Prusa, Apamea, Prusias (formerly Cius) bear witness to this activity. Some of the ancient Greek cities of the coast submitted to them, as Chalcedon and Tieum. But Heraclea Pontica, a stronger city than Amisus, remained free despite many efforts of the Bithynian kings to conquer her, and Cyzicus, in this unlike Sinope, proudly remained to the end of the Bithynian kingdom an independent neighbour.

The situation of Paphlagonia was different. The best part of it was since the foundation of the Pontic kingdom in the hands of the Mithridatid kings. The rest was split between local dynasts, some of them of foreign Galatian origin. For a time in the reign of Pharnaces I Paphlagonia was united in the hands of the king Morzius, whose successor was that Pylaemenes, who bequeathed his kingdom to Mithridates Euergetes (p. 222). After the death of Euergetes Paphlagonia continued as before in independence and anarchy under many local dynasts.

The neighbouring Galatians had never recovered from the tremendous blow which was given to their pride by Manlius Vulso, after Magnesia (vol. VIII, p. 228 *sq.*). They lived the same tribal life as before, divided into three peoples each subdivided into tetrarchies; they had the same feudal society with immensely rich chieftains surrounded by clients, and they retained their warlike temper which made them excellent mercenary soldiers for anyone who wanted to hire them.

The strongest neighbour of Pontus was no doubt Cappadocia. The ruling house named after Ariarathes was of the same Iranian origin as the Pontic dynasty, and was also closely connected with the Seleucids. It probably came to power later in the turmoil of the early third century. After the defeat of Antiochus the Great Ariarathes V Eusebes Philopator (163–130 B.C.) transferred his allegiance to the Romans, and remained faithful and useful to them until his death in the Roman war against Aristonicus (see above, p. 105). His rule had the reputation of being the happiest time for Cappadocia. A friend of Pergamum and of Athens and all that Athens represented, he was the first to start a hellenization of Cappadocia, which however never went very deep[1]. His death was followed by a period of protracted anarchy, for his wife Nysa murdered her own five sons in order to keep the rule in her hands. She could not prevent, however, the sixth Ariarathes from taking power into his own hands. For a while a tool in the hands of his father-in-law Mithridates Euergetes, he reigned till 111 B.C. when he was murdered by Gordius, later a creature of Eupator. After his murder his wife Laodice, the sister of Eupator, ruled in the name of her son Ariarathes VII Philometor[2].

Such were the neighbours of Mithridates. The situation was favourable for his ambition, and after he had made an arrangement with the most powerful of his neighbours, Nicomedes, and quelled a conspiracy in his own family—his sister-wife during his absence betrayed him and tried to kill him after his return—he started at once on his endeavours to create an Anatolian empire in addition to his Pontic empire, endeavours which lasted more than twenty years and led to a sharp and protracted conflict with Rome.

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[1] Important for the history of Ariarathes V are two inscriptions—one of Priene giving evidence on the darkest period in the life of Ariarathes when he was expelled from his kingdom by Orophernes (*O.G.I.S.* 351), another of Athens giving an eloquent testimony to his relations to the city of Athens and to art (*O.G.I.S.* 352; *I.G.*² II, 1330; A. Wilhelm, *Jahreshefte*, XXIV, 1929, pp. 184 *sqq.*); cf. Ditt.³ 666 (the statue of the philosopher Carneades dedicated by Attalus and Ariarathes) and the inscription of Tyana, *S.E.G.* I, 466 (a Greek gymnasium at Tyana in the time of Epiphanes).

[2] The coins of these dynasties, like those of Pontus, are our main source of information both for their history and their culture. See Volume of Plates iv, 6.

Paphlagonia was the first victim of the ambition of the two allied kings, who divided its territory between them unhindered by a weak protest from Rome. During the very presence of a Roman senatorial commission in Asia Minor Galatia was next occupied by the two kings and became their vassal. At Rome bribes sufficed to neutralize the stormy protest of Appuleius Saturninus (p. 168). Next came the turn of Cappadocia. At this point the two kings parted. By a *coup-de-main* Nicomedes suddenly occupied the country, and persuaded Laodice the mother of Ariarathes VII to marry him, thus becoming the legitimate ruler of Cappadocia. This breach of faith was bitterly resented by Eupator, who thereupon entered the country with a strong army and reinstated Ariarathes VII on his throne at Mazaca.

The entente between Ariarathes and Mithridates, which is attested by the dedication of a bust of Ariarathes in the Delian shrine dedicated to Eupator in 101/0 B.C.[1], did not last for very long. Mithridates urged Ariarathes to recall Gordius the murderer of his father. Ariarathes refused, and created (perhaps not without the help of Marius who was at that time in Asia) a coalition against Mithridates. The two armies met in Cappadocia. Before battle was joined Mithridates treacherously murdered Ariarathes, and the Cappadocian army then broke in flight. A son of Mithridates was set upon the vacant throne. The fiction was that he was another son of Ariarathes V. This boy—Ariarathes Eusebes Philopator—ruled quietly with the assistance of Gordius for about five or six years, until the country revolted and called on the son of the last legitimate king of Cappadocia, who lived in the province of Asia. This young man, however, died very soon and Cappadocia became Pontic again[2].

Suddenly the newly won power of Mithridates in Asia Minor fell to pieces at a touch. Jealous of Mithridates and afraid for his own safety Nicomedes appealed to the Romans, and the Senate felt that it was time to interfere. Explicit orders were given to the kings to leave Paphlagonia and Cappadocia alone. These orders were obeyed, but with anger and resentment. Paphlagonia received 'freedom'; the Cappadocians declined this privilege and asked

[1] *O.G.I.S.* 353; Durrbach, *Choix*, 136 *g*.

[2] See his coin as Ariarathes VIII, Volume of Plates iv, 6, *n*.

for a king, whereupon one of their own ruling class, Ariobarzanes, was elected by the Cappadocian grandees (*c.* 95 B.C.).

Mithridates, however, had not abandoned his ambitions. He tried a new device. Another neighbour of Cappadocia, Armenia, which under the rule of Tigranes, later surnamed the Great, began a period of short-lived revival, a neighbour entirely independent of Rome and closely connected with Parthia, was ready to help him. Tigranes married Cleopatra, a daughter of Eupator, and in 93 B.C. invaded Cappadocia, expelled Ariobarzanes and appointed Gordius, the *alter ego* of Mithridates, ruler of Cappadocia. Thereupon Rome intervened again. Sulla, at that time propraetor of Cilicia, was given the task of restoring Ariobarzanes and carried it out with characteristic skill (92 B.C.). On the Euphrates an envoy of Parthia met him, and a conference was held in the presence of the Cappadocian king. It was the first time that spokesmen of the two great rivals of the future met face to face. Mithridates was the chief loser in the game. His Anatolian dreams were once more shattered, and it became clear to him that they could not come true so long as the Senate dictated its will in Asia Minor. Conflict with Rome must come.

In the struggle which followed, Mithridates disposed of resources partly inherited by him from his ancestors, partly created by himself. In the organization of his kingdom he had made little change. His Pontic empire remained on a larger scale what the Pontus of his ancestors had been, a combination of a few Greek cities and of large areas peopled by subjects and vassals. Over his subjects and vassals Mithridates ruled with the help of citizens of his Greek cities. Among these the leading rôle belonged to the citizens of Amisus, unless their prevalence among those grandees of the court who were honoured in the Mithridatic shrine at Delos[1] is due merely to the dedicator's possible personal relations with the city of Helianax, but yet it is striking to find so many Amisenes among the dignitaries of Mithridates. If Mithridates did something to impose hellenism, that is, city life upon his native kingdom, we know nothing about it. The fact that so many centres of quasi-urban life were minting copper[2] during his reign may suggest a certain amount of urban autonomy granted to them by the king, but there may be other explanations of the same fact.

The kingdom of Mithridates was as typical a Hellenistic kingdom as any other. We know very little of the various offices and court titles which were typical of the Hellenistic monarchies in general. It is possible that some Hellenistic monarchies kept in this respect nearer to Macedonia, some others nearer to Persia. If that be true, we may class Pontus with the second. The few court titles of the time of Mithridates which survive suggest a more Iranian organization of the court than even the Seleucid organization, closely akin to what we know of Parthia in this respect[1]. However, we know too little to be able to speak with certainty.

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[1] Durrbach, *Choix*, 133–136.

[2] Volume of Plates iv, 4, *j–o*.

No details are known about the organization of the Mithridatic army and fleet. It seems to have been the same combination of mercenaries, of soldiers recruited in the homeland of the Mithridatic empire, and of allied detachments sent by the vassals, as was the army of the Seleucids. The royal fleet was probably furnished by the large commercial Greek cities under Pontic suzerainty. Of Mithridates' revenues no precise estimate can be made; but we know that royal garrisons guarded accumulated treasure in the numerous *gazophylakia* throughout his Empire, and the vast booty brought home by Pompey in 62 B.C. gives some idea how great these treasures were (p. 396).

V. MITHRIDATES' ADVANCE IN ASIA MINOR AND GREECE[2]

In spite of his rebuff at the hands of Sulla in the year 92, the political situation both in Italy and Asia Minor once more offered to Mithridates the opportunity to achieve his long-cherished ambitions. Rome had to face the rupture with her Italian allies (p. 185), and the death of Nicomedes of Bithynia (*c.* 94 B.C.), followed by dissensions between his sons, had removed from Mithridates' path his only serious rival among the kings of Asia Minor. The claims of the two sons of Nicomedes II had been decided by the Senate in favour of the elder, Nicomedes III Epiphanes Philopator, shortly before the outbreak of the Social War, whereupon the younger, Socrates, betook himself to Mithridates. While the Romans were fully occupied with the Social War, Pontic troops drove Nicomedes from Bithynia and established Socrates in his place. Simultaneously, in conjunction with Tigranes, Mithridates once more caused Ariobarzanes to be driven from Cappadocia and placed upon the throne his own son, as

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[1] Cf. M. I. Rostovtzeff and C. B. Welles, *A parchment contract etc.*, Yale Classical Studies, II, 1930, pp. 35, 53 *n.*, 71.

[2] The chief ancient sources for sections V–VIII are Plutarch's *Sulla*, 11–26 (which draws on Sulla's own memoirs), Appian, *Mithridatica*, 1–63, Memnon, fragments of *History of Heraclea*, XV, and fragments of Licinianus.

Ariarathes IX. The dispossessed kings appealed to Rome, whose hands were already becoming more free to deal with the problems which had arisen in Asia Minor. A commission was appointed to settle affairs in the East and orders sent to C. Cassius[1], governor of Asia, to co-operate in restoring Nicomedes. Similar instructions were sent to Mithridates himself.

It was scarcely to be expected that Mithridates would take the active part which the Romans, by virtue of the nominal alliance, had enjoined. He did, however, carry out orders to the extent of putting Socrates to death. He had no doubt expected greater results from the Social War and was disconcerted by the signs that it would speedily be terminated. But the attitude which he now adopted shows that he had little faith in his own ability to resist Rome, or that his preparations for war were not yet completed. The two kings of Bithynia and Cappadocia were reinstated without opposition from Mithridates or Tigranes. But whatever the motive which induced this passive acquiescence, the Roman commissioners were entirely deceived. The original appointment of their leader, M'. Aquilius, had little to commend it. He had proved himself a brave and capable soldier and had rendered good service to Rome in the Sicilian slave-war, but at the end of the campaign had narrowly escaped a hostile verdict on a charge of peculation (p. 156). Disappointed of the hopes of booty to be derived from a Pontic campaign, the commissioners, in order to make sure of the money promised by the impecunious Nicomedes in return for his restoration, urged him to attack the dominions of Mithridates. A raid carried out by Nicomedes' army on the ports of the Paphlagonian coast controlled by Mithridates as far as the city of Amastris provided the funds for which the commissioners were pressing.

Even so Mithridates, whose forces had retired before the advance of the Bithynian marauders, shrank from an open conflict. An envoy, Pelopidas, was sent to ask that the aggressor should be restrained, or that the Romans should stand aside. Failing to get satisfaction, Mithridates dispatched Ariarathes to seize Cappadocia, but once more Pelopidas appeared before the commissioners requesting that the whole matter should be referred to the Senate, to whom Mithridates himself actually sent a message of protest. Pelopidas, however, was bluntly told that his master must evacuate Cappadocia and leave Nicomedes alone, and preparations were made for a general advance into Mithridates' dominions.

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[1] Ditt.^{3} 741. Appian, however (*Mithr.* 11), calls him Lucius.

The Romans, who had no more than a legion of their own troops available in Asia Minor, were compelled to rely on the levies of their Asiatic allies, troops of inferior quality and uncertain number[1]. While Aquilius remained in reserve in the north, Q. Oppius, the governor of Cilicia, made a flanking movement from the south into Cappadocia, and Cassius advanced by the route from Nicaea to Ancyra. Nicomedes himself with the Bithynian army was sent forward to meet the main Pontic force and penetrated as far as the Amnias, a tributary of the Halys, in Paphlagonia. Here he soon met with disaster at the hands of the king's generals Archelaus and Neoptolemus, who had been sent forward to contain him with light troops and cavalry from Armenia Minor[2]. The way was thus cleared for the advance of the main Pontic army into Bithynia. Aquilius sought to retreat to the Sangarius, but was brought to battle and defeated, escaping with difficulty to Pergamum.

The two engagements decided the issue of the campaign. Cassius, who had retired southwards to the stronghold of Leontoncephalae, and thence had endeavoured to join Oppius at Apamea, found it necessary to fall back on the coast. Helped with provisions by a certain Chaeremon of Nysa[3], he contrived at last to make his way to Rhodes. Oppius was less fortunate. He succeeded in reaching Laodicea on the Lycus with a force of mercenaries and some cavalry, and prepared to stand a siege. But the inhabitants did not long resist the assaults and solicitations of Mithridates and surrendered the Roman commander. Oppius himself is said to have suffered no harm. Aquilius, who had fled from Pergamum but had fallen ill at Mytilene on his way to Rhodes, was surrendered with other Romans by the inhabitants to Mithridates, who, after exhibiting his captive everywhere in the province of Asia bound on an ass or chained to a gigantic Bastarnian horseman, finally, by way of rebuking Roman greed, caused molten gold to be poured down his throat.

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[1] Appian's numbers, 50,000 foot and 6000 horse for the Bithynian army, 40,000 for each of the three Roman armies, are impossible, but beyond correction.

[2] The forces with which Mithridates entered Paphlagonia are given by Memnon (31) as 150,000 men. Although the passage suggests that the 40,000 men and 10,000 horse which formed the advance guard are to be regarded as additional, it is possible that the figure 150,000 which Memnon preserves was the nominal strength of Mithridates' total forces. Appian's figures of 250,000 infantry and 40,000 cavalry (exclusive of the 10,000 cavalry from Armenia Minor, the phalanx and the scythed chariots) are impossible.

[3] Ditt.³, 741.

After entering Bithynia, Mithridates had entrusted the pursuit of Aquilius to his generals, himself turning southwards to follow Cassius. From southern Phrygia forces were dispatched to reduce the southern part of Asia Minor and arrangements were made for the government of newly acquired territory by satraps[1]. After the capture of Laodicea Mithridates marched by way of Magnesia on the Maeander to Ephesus. From the first he had posed as a deliverer. Native troops who had surrendered were set free and provided with means to reach their homes. But while the majority of the cities of Asia, deprived as they were of any means of offering resistance, are said to have welcomed him, nevertheless some resistance was encountered[2], and it is indeed probable that this was greater than appears in the literary sources. Parts of Paphlagonia were still unsubdued even after Ionia had been overrun[3]. The town of Magnesia ad Sipylum survived an assault by Archelaus, who was himself wounded in the fighting[4]. But the strongest resistance was offered in the south-west. In Caria Tabae[5] and Stratoniceia stood by the Romans, the latter undergoing a siege of some duration before it was compelled to surrender[6]. In Lycia and Pamphylia, which are said by Appian[7] to have been subjugated, a successful resistance was maintained by some of the cities throughout the war. From Telmessus and other Lycian towns reinforcements were being sent to Rhodes at the time of the siege (p. 243). Patara withstood a siege, and the country as a whole was rewarded by Sulla for its loyalty at the end of the war[8]. At a later stage we find the cities of Pamphylia contributing ships to Lucullus' fleet, and an inscription records the fidelity and losses of the city of Termessus, which commands the pass between Pamphylia and the Milyas[9].

The behaviour of Ephesus is perhaps typical of the attitude of the cities of Asia. After the defeat of the Roman forces it had at first remained loyal, offering sanctuary to refugees and serving as the port from which a number were enabled to make their escape to Rhodes. But on the approach of the Pontic army the Ephesians without resistance admitted the enemy within their gates, and once in the power of Mithridates proceeded to give such demonstrations as were possible of devotion to their new master. Once the possibility of Roman protection had vanished, similar demonstrations were made elsewhere, and Mithridates, greeted as the preserver of Asia, the new Dionysus[1], conferred liberal benefits on individual cities[2], cancelling debts and conferring five years immunity from taxation throughout the province (Justin, XXXVIII, 3, 7).

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[1] On the satraps see Appian, *Mithr.* 21, 46. One of them, Leonnatus, is mentioned in Ditt.³ 741, and seems to have been appointed to Ephesus before Mithridates himself arrived on the coast. At a later date (Appian, *Mithr.*, 48) we find Philopoemen, the father-in-law of Mithridates, established as *episkopos* at Ephesus, and hear of 'tyrants' in other cities, e.g. at Colophon (Plutarch, *Lucullus*, 3), Tralles (Strabo XIV, 649), Adramyttium (id. XIII, 614).

[2] So Memnon, 31.

[3] Appian, *Mithr.* 21. The resistance was perhaps organized by a native chieftain, if there is any basis for the statement in Orosius VI, 2 (cf. Eutropius V, 5), pulsis ex ea (i.e. Paphlagonia) Pylaemene et Nicomede regibus.

[4] Pausanias I, 20, 5; Plutarch, *Mor.* 809 C; Livy, *Epit.* 81.

[5] *O.G.I.S.* 442.

[6] Appian, *Mithr.* 21; *O.G.I.S.* 441.

[7] *Mithr.* 23.

[8] Appian, *Mithr.* 61; cf. *O.G.I.S.* 551.

[9] Bruns, *Fontes*⁷, 14.

One thing more was needed to convince the province that the rule of Rome was at an end, and it was deliberate policy that urged Mithridates to issue the orders which were to incriminate the Greek cities for ever in the eyes of Rome. Secret instructions were sent to the satraps and to the city governments for a simultaneous massacre of Romans and Italians throughout the province. At Ephesus, Pergamum and other cities refugees were torn from the sanctuaries and butchered, it is said, to the number of 80,000. How far would the Greeks without the strongest compulsion have dared such an action? The case of Tralles, where the citizens hired a barbarian to do the work for them[3], is typical—a sorry attempt to carry out the orders of Mithridates without incriminating themselves too deeply with the Romans. The feelings of the unfortunate citizens must have been shared by many other states in Asia.

In the meantime, the small Roman fleet, which at the beginning of the war had been stationed at Byzantium, had dispersed or surrendered to Mithridates, whose fleet now appeared in overwhelming strength in the Aegean. We have no means of arriving at an exact estimate of its numbers, which are said to have reached the total of 300 decked ships and 100 biremes, exclusive of the substantial additions made by the squadrons of the Cilician pirates (see below, p. 352). The attitude of the islanders was much the same as that of the cities of the mainland. While the people of Mytilene surrendered Aquilius and other officers, the inhabitants of Cos refused to withdraw the protection of their sanctuary from Roman fugitives[1]. On the other hand, they received Mithridates without resistance and surrendered to him the son of Ptolemy Alexander, King of Egypt, who had been sent to the island by his grandmother Cleopatra, together with her treasures and 800 talents of the temple-money deposited in the island by the Jews of Asia[2]. Indeed, with the disappearance of the Roman fleet no serious resistance could be offered, nor, with the exception of the Rhodians, did any of the islanders attempt it.

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[1] Diodorus, XXXVII, 2 *b*; Cicero, *pro Flacco*, 25, 60. For the thiasos of Eupatoristae and the Mithridates vase see *O.G.I.S.* 367 and 370 and Reinach, *op. cit.* p. 284 and Plate iii.

[2] Enlargement of the area of asylum at Ephesus (Strabo XIV, 641); repair of the damage caused by earthquake at Apamea (Strabo XII, 579); benefits conferred on Tralles (Cicero, *pro Flacco*, 25, 59); maintenance of *Mucia* at Smyrna (Cicero, II *in Verr.* II, 21, 51). In the maintenance of the festival founded in honour of Mucius Scaevola one can see a deliberate policy.

[3] Dio, frag. 101; Appian, *Mithr.* 23.

In the early days of the war Rhodes had provided a refuge for all the Romans who had made good their escape from Asia. Previously the republic had maintained good relations with Mithridates[3], but, in spite of the danger to be expected from any resistance to the king, held fast to its traditional friendship with Rome, and trusted in the skill of its seamen and strength of its fortifications to resist until the Romans were in a position once more to offer protection. Since Mithridates is said to have found it necessary to raise a fleet specially for the attack on Rhodes[4], it is probable that his main armaments had already been dispatched across the Aegean. When his preparations had been completed, he put to sea in overwhelming strength (autumn, 88), drove back the Rhodian navy, and effected a landing on the island. The transports bringing his main forces had not yet arrived, and Mithridates was able to make little progress in his assaults on the city. Meanwhile the Rhodians, who had drawn off the bulk of their fleet from the first engagement, vigorously disputed the command of the sea, twice gaining successes over the king's fleet and inflicting heavy losses on the transports, which had at last sailed from the Carian coast but were scattered by bad weather. The arrival, however, of the remainder gave Mithridates the numerical superiority which he required for an attack on the town. A formal blockade was out of the question, since the winter season was close at hand, and Mithridates attempted to capture the town by assault. After a night attack by land and sea had proved a fiasco, Mithridates brought up against the walls on the sea side an immense flying bridge, known as the *sambuca*, which was carried on two warships lashed together and could be hoisted by an arrangement of pulleys from the masthead so as to overtop the city wall (see vol. VIII, p. 66). As the *sambuca* was brought into position, a general assault with rams and scaling ladders was to be delivered from the sea. Fortunately, however, for the Rhodians and not, it was said, without the assistance of Isis, the site of whose temple had been chosen as the place of assault, the *sambuca* collapsed under its own weight, and with the failure of this last assault Mithridates retired from his undertaking before winter set in.

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[1] Tacitus, *Ann.* IV, 14.

[2] Josephus, *Ant. Jud.* XIV (VII, 2), 112 *sqq.* On the whole episode see Reinach, *op. cit.* p. 183.

[3] Cicero, II *in Verr.* II, 65, 159.

[4] Appian, *Mithr.* 22.

VI. THE WAR IN GREECE.

Before the attack on Rhodes the main fleets of Mithridates had already crossed the Aegean and carried the war into Greece[1]. The situation was not unfavourable for the intervention of a new Antiochus. The governor of Macedonia, C. Sentius, had for some time (since 91 B.C.) been occupied with Thracian incursions[2], which on one occasion had penetrated as far as Dodona. There is nothing improbable in the view[3] that the attacks of the barbarians, with whom he could easily maintain communication from his Bosporan dominions, had been instigated by Mithridates himself. His agents were active also in Greece, and soon after the conquest of Asia a deputation arrived from Athens, which was ripe at this time for a popular uprising against the aristocratic form of government favoured by Rome, with one of them, a certain Aristion[4], a Peripatetic philosopher of servile origin, at its head. Aristion was received with every mark of favour and in his despatches did his utmost to persuade the Athenians both of the greatness of Mithridates' power and of the political and financial advantages which would accrue to them, if they embraced the cause of the king. On his return to Athens, where he was received with an extravagant welcome, Aristion, with the wildest tales of Mithridates' successes and lavish promises of benefits to come, completely won over the Athenian people and had himself elected hoplite general, nominating his colleagues[5]. His opponents, the aristocratic party in Athens, were murdered and their property confiscated, many of those who sought to escape from Attica being brought back and put to death.

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[1] See Map 3. [2] Livy, *Epit.* 74, 76. [3] Cf. Dio, frag. 101.

[4] Posidonius (*ap.* Athenaeus V, 211 F) calls him Athenion, his father's name. By other writers he is called Aristion and this name occurs on coins struck in Athens at this time. Since Posidonius' account closes with the Delos fiasco it has been supposed that Athenion was suppressed as the result and Aristion established in his place by Archelaus. See the full discussion of the question in W. S. Ferguson, *Hellenistic Athens*, p. 447.

[5] Before July, 88 B.C.; see Ferguson, *op. cit.* p. 444, n. 1.

The military value of the Athenians themselves to Mithridates was of course negligible. Their attempt to seize the island of Delos under Apellicon, a creature of Aristion's, ended in complete disaster, but Mithridates had now in the Piraeus a port of entry into Greece and a base from which the whole country could be overrun. Accordingly the fleets of Mithridates set sail from Asia under Archelaus. On the voyage the Cyclades were occupied without difficulty and the Romans were once more expelled from Delos or put to death. On his arrival in Athens Archelaus provided Aristion with a bodyguard to hold the town for Mithridates while he himself secured southern Greece. To the north a Pontic squadron under Metrophanes[1] had occupied Euboea, and was attacking the fortress of Demetrias and the territory of the Magnetes.

It seemed as if the whole of Greece would fall into Mithridates' power before the relieving army under Sulla could leave Italy. Fortunately for the Romans, however, Sentius was able to detach a small force under his legate Q. Bruttius Sura, who drove back Metrophanes from the Thessalian coast and with the ships at his disposal regained the island of Sciathos, which had been used by the invaders as a storehouse for their plunder. Bruttius then advanced into Boeotia, all of which Archelaus had won for Mithridates with the exception of Thespiae, to which he laid siege. Three engagements are said to have been fought in the neighbourhood of Chaeronea, as the result of which the Pontic advance was definitely checked and Archelaus was compelled to fall back on his base in Attica[2].

At this point the advance-guard of Sulla's army arrived in Boeotia under his quaestor L. Lucullus, from whom Bruttius received orders to rejoin Sentius in Macedonia, now threatened by the advance of a new Pontic army through Thrace. The value of Bruttius' work had been enormous. By his Boeotian campaign northern Greece had been saved from Archelaus, so that Sulla, who had landed with five legions and a small force of cavalry and of auxiliaries, was able to raise reinforcements and provisions in Aetolia and Thessaly, while the cities of Boeotia at once returned to their allegiance. Sulla concentrated his energies at once on the reduction of Athens and the Piraeus, into which after a successful engagement[1] he drove Archelaus and Aristion.

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[1] Appian, *Mithr.* 29. Plutarch (*Sulla*, 11) assigns the conquest of Euboea to Archelaus; no doubt Metrophanes was his subordinate. Compare the similar case of Dorylaus and Zenobius in the affair of Chios (below, p. 254).

[2] Plutarch, *Sulla*, 11. Appian, *Mithr.* 29, after describing the reconquest of Sciathos, states that Bruttius, receiving reinforcements to the number of 1000 from Macedon, advanced into Boeotia, where he fought a three days' battle with Archelaus. When, however, Archelaus was joined by the Lacedaemonians and Achaeans Bruttius withdrew to the Piraeus, from which he was forced to retire when Archelaus brought up his fleet. This is clearly absurd. Plutarch's statement is that after the engagements at Chaeronea Bruttius drove Archelaus back to the sea. We have little guidance as to the precise chronology of Bruttius' campaign, which seems to have taken place in the autumn and winter of 88–7 B.C.

Nevertheless, apart altogether from his relations with the Roman government (see p. 265), which rendered the receipt of reinforcements and supplies from home impossible, Sulla's position was extremely hazardous. With the near presence of the enemy and in view of the exactions which Sulla was compelled to levy in order to supply his own troops, dangerous outbreaks might easily occur among the Greek states. While Archelaus held command of the sea, his garrison in the Piraeus could be supplied and reinforced as necessary, and Sulla's communications through Boeotia were threatened by Neoptolemus based on Euboea and the fortress of Chalcis. To meet this danger Sulla was compelled to detach a force under Munatius to Boeotia, while another division under L. Hortensius, which had sailed from Italy after the main body, was diverted northwards to Thessaly to operate against the Pontic army advancing by land. Funds were raised for the payment of the Roman troops by the seizure of the treasures belonging to the Greek shrines, Epidaurus, Olympia and Delphi being the principal sufferers[2], and later in the year, the Rhodians being unable to put to sea, Lucullus was sent out to raise a fleet.

Sulla's first task was the reduction of the fortresses in Attica, where the Piraeus was held by Archelaus himself, Aristion commanding in Athens[3]. Realizing the necessity for speed, Sulla detached part of his army to invest Athens, while he himself attempted to carry the Piraeus by assault. The strength of the fortifications was such that no impression could be made by this form of attack and Sulla withdrew to Eleusis and Megara to prepare for a formal investment. The problem facing him differed in the case of the two fortresses. Whereas Athens, no longer connected with the sea by the Long Walls, was in itself of less account strategically and could be reduced by blockade, the Piraeus, until such time as Sulla could raise a fleet capable of offering battle to the king's fleet, could be attacked only on the land side and might be provisioned and reinforced by the enemy at will. Moreover, in the event of Sulla being forced to retire northwards to meet the army commanded by the king's son Ariarathes[1], Archelaus would advance from the Piraeus against the rear of the Roman army.

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[1] Mentioned only by Pausanias I, 20, 5.

[2] Plutarch, *Sulla*, 12; Diodorus XXXVIII, 7.

[3] For coins struck by him at Athens see Volume of Plates iv, 4, *d*, *e*.

With a part of the Roman army blockading Athens, the force attacking the Piraeus was from the outset outnumbered by the garrison[2]. Nevertheless Sulla, having prepared his engines of assault, the material for which was derived largely from Thebes, once more advanced against the Piraeus. The second assault, which took place in the late summer of 87, was conducted with an even greater vigour. As his engines collapsed or were destroyed by the enemy, timber for repairs was ruthlessly cut in the groves of the Academy and Lyceum, the remains of the Long Walls being used for raising mounds against the fortifications. His agents within the Piraeus, moreover, kept Sulla informed of the intentions of the enemy, so that on two occasions sorties of the garrison were beaten back with heavy loss. Archelaus, however, twice reinforced by sea, still maintained his superiority in numbers, and continually increased the strength of his fortifications where danger threatened, or by small sallies destroyed the Roman works.

The pressure was maintained until the beginning of winter, when Sulla withdrew part of his army to his base at Eleusis, maintaining, however, the blockade of Athens. Although his cavalry were raiding up to Eleusis itself, Archelaus was unable to penetrate the cordon round the capital, where there was already imminent danger of famine. Accordingly, although the attacks on the Piraeus were renewed before the spring[3], the weakened state of the garrison of Athens offered hope of a speedy reduction of the town, which would enable Sulla to concentrate all his energies on the Piraeus. The Piraeus, therefore, was temporarily masked on the land side[1], while the assaults on Athens became more intense. A deputation from the commandant, whose conduct during the siege was making him more and more odious to the inhabitants, was rejected, and a final effort on the part of Archelaus to relieve the town was beaten back. Sulla now received information that Aristion had neglected to secure the approaches to the Heptachalcum, between the Sacred and the Piraeic Gates, where the defences were weakest, and at this point ordered the final assault to be delivered. The starving defenders, reduced, it is said, to feed on human flesh, could offer little resistance, and the town, which fell on March 1st, 86, was given over to massacre and pillage, although in memory of their past achievements the city of the Athenians was spared from utter destruction. The tyrant himself made his escape to the Acropolis, first burning the Odeum in order that the beams might not be used for siege-engines. After resisting for some weeks, he was forced by lack of water to surrender to C. Curio, who had been left behind by Sulla to carry on the siege, when he himself marched north.

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[1] He is called Arcathias by Appian, Ariarathes by Plutarch.

[2] This is stated definitely by Appian, *Mithr.* 31. Kromayer's view (*Antike Schlachtfelder*, II, p. 391) that at the beginning of the siege Archelaus' forces must have been smaller than those of Sulla is not here accepted. His retirement to the Piraeus was a part of the general strategic scheme.

[3] The sequence of events is given by Appian, *Mithr.* 34 *sq.* Archelaus' attempt to provision Athens took place on the same day as the defeat of Neoptolemus near Chalcis by Munatius (in which Reinach [*op. cit.* p. 160] rightly sees an attempt on the part of the Chalcis garrison to create a diversion which would diminish the pressure on Athens). This was shortly followed by a night attack on the Piraeus, after which the assaults, discontinued during the winter, were regularly renewed.

Sulla was now free to return to his attacks on the Piraeus. Although Archelaus fought every inch, one by one the defences succumbed to the violence of the Roman assaults, now rendered more intense by the imminence of the danger from the north. At last the garrison was confined to the peninsula of Munychia, which, protected on the sea side by a fleet, was impregnable. But Sulla's work was done. The Piraeus, laid in ruins, could no longer serve the enemy as a base, and Archelaus withdrew the remainder of his forces to his ships, finally effecting a junction with the northern army in Thessaly.

The heroic defence of the Piraeus had been stultified by the dilatory advance of the army under Ariarathes, who seems to have taken the view that the purpose of his mission was to create a kingdom for himself in Thrace and wasted valuable time in endeavouring to organize the conquered territory. We hear of little resistance being offered in Thrace itself, but with the approach of winter the difficulties of feeding the army were great and, until Amphipolis fell, threatened to endanger its safety. In Macedonia some resistance was encountered from the Roman troops in the province and from the inhabitants[2], and a further delay was caused by the illness and death of the king's son at the Tisaean promontory in Magnesia shortly before the capitulation of Athens.

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[1] If we may so interpret the final words of Appian, *Mithr.* 37.

[2] Memnon, 32; Licinianus, p. 27 F.

After joining the northern army, Archelaus took over the command of the united forces from Taxiles, the successor of Ariarathes, and advanced southwards by Thermopylae. In the meantime Sulla had marched northwards. His advance was criticized on the ground that the Boeotian plains would provide a favourable terrain for the enemy's cavalry; but Sulla rightly realized the difficulty of feeding his troops in Attica, and, moreover, was anxious for the safety of the division under Hortensius, whose retreat from Thessaly was cut off by the Pontic occupation of Phocis, where Taxiles was now attacking Elatea[1]. Hortensius, however, extricated himself by a skilful march, apparently by the Asopus gorge and along the north-eastern slopes of Parnassus by Tithorea, joining Sulla at Patronis on the southern edge of the plain of Elatea. Their united forces then occupied the hill of Philoboeotus, a detached eminence rising from the plain[2]. Their strength is given as 15,000 infantry and 1500 cavalry. Opposed to them was an army perhaps three times as numerous[3].

The march northwards to join Hortensius had brought Sulla on to ground on which he had no intention of giving battle. The hill of Philoboeotus was easily defensible in itself and the approaches were further strengthened by trenches thrown up on the Cephisus, the course of which is said to have been thereby diverted. But the open plain of southern Phocis would enable Archelaus to make full use of his superiority in numbers and especially of his cavalry. For two days therefore Sulla remained on Philoboeotus and refused battle. His position, however, was a dangerous one, since enemy raiding parties were plundering as far south as Lebadea, and it was essential for him to maintain his communications with the south by way of the valley of the

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[1] Pausanias I, 20, 6, places the attack on Elatea before the capture of Athens, but obviously means the surrender of the Acropolis under Aristion, which clearly took place about the time of the battle of Chaeronea (cf. x, 34, 2).

[2] Plutarch's description of Philoboeotus (*Sulla*, 16) makes Leake's identification of it with Parori, a spur of Parnassus above the pass from Phocis to Boeotia, impossible. Kromayer's topography, including his identification of Philoboeotus with Kravassará, is here followed throughout.

[3] Plutarch (*Sulla*, 15) makes the northern army number 120,000 foot, 10,000 cavalry and 90 chariots on its arrival in Greece. Appian (*Mithr*. 41, cf. 45), who says that it had been made up by reinforcements to its original figure, gives 120,000 in all, Sulla's troops being less than one-third. Livy, *Epit*. 82, reckons the Pontic dead at 100,000. Memnon (32) gives the Pontic total at Chaeronea as over 60,000, which agrees with Appian's estimate of the relative strength of the two armies.

Cephisus and by Chaeronea. After leaving Phocis the river flows through a narrow pass between the eastern spurs of Parnassus (the modern Parori) on the right bank and Mt Hedylium (modern Belesi) on the left. The northern end of the pass is commanded by the acropolis of Parapotamii, a rocky hill above the left bank of the river connected with Mt Hedylium by a low saddle. When therefore the enemy advanced towards the pass with the intention of occupying Parapotamii Sulla hurriedly forestalled them and seized the position. A second attempt on the part of Archelaus to cut Sulla's communications by seizing Chaeronea was similarly anticipated by Sulla, who sent a legion to garrison the town. Archelaus' move on Chaeronea was a strategical error of the first importance. Since the valley of the Cephisus was closed to him by Sulla's occupation of Parapotamii, it is clear that he reached northern Boeotia by an alternative, though difficult, route to the east of Hedylium[1], which brought him down to the low ground between that hill and Mt Acontium, where we find his main body encamped. Sulla at once marched southwards from Parapotamii and established himself at the southern entrance to the pass, under Mt Hedylium and opposite the main body of the enemy. Archelaus accordingly was faced with the alternative of fighting a general action on ground unsuited to his cavalry and chariots, or of retiring by the difficult route to the coast. He had, however, sent a strong force to occupy the high ground of Mt Thurium above Chaeronea which could threaten the town itself and the flank of the Romans. Sulla, therefore, leaving his lieutenant L. Murena with a legion and two cohorts encamped opposite Archelaus, himself took up a position by Chaeronea, and sent a detachment to take in reverse the position on Mt Thurium.

This manœuvre enabled Sulla to force the general action which he desired. The enemy, dislodged from Thurium, fled northwards to rejoin the main body, suffering heavy losses from Murena's troops on the way. When Archelaus sent out his chariots and cavalry to cover the retreat, Sulla swiftly advanced his right to reduce the interval between the two armies and close the gap between his own force and Murena's division. To meet any outflanking movement by the enemy's cavalry, strong detachments under Hortensius and Galba were posted in reserve.

The main battle opened with a charge of sixty of the enemy's chariots, which proved ineffective except in so far as it enabled the Pontic phalanx to come into action. Though formed, it is said, mainly of liberated slaves from the Asiatic cities, the phalanx put up a stout resistance, which enabled Archelaus to carry out the expected flanking movement with his cavalry against the Roman left. To meet this danger, Hortensius, as had been arranged, came down with his reserve of five cohorts, but by the skilful tactics of Archelaus found himself cut off from Murena and in imminent danger of being surrounded. Sulla at once gathered his cavalry and crossed hastily from the right wing to succour his left, but on seeing his approach Archelaus disengaged his cavalry and began to transfer them to the other wing against the now weakened Roman right. This was the critical moment of the battle. With either wing broken the Roman army would have been surrounded and destroyed. Ordering Hortensius with four cohorts to support Murena, now engaged in repelling an attack by a *corps d'élite* under Taxiles, Sulla himself with his cavalry, one cohort of Hortensius' force and two fresh cohorts hitherto in reserve[1], returned with all possible speed to his original position and was in time to throw his whole right forward and fling the enemy, who had not yet re-formed after Archelaus' manœuvre, back across the Cephisus towards Mt Acontium. At the same time the troops of Murena and Hortensius had repulsed Taxiles on the left and were ready to join in a general advance.

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[1] See Kromayer, *op. cit.* II, p. 366.

The defeat of the enemy now became a rout. As the Romans advanced, they were pressed against the rocks of Mt Acontium or crushed in the narrow space between Acontium and Hedylium. Archelaus in vain endeavoured to rally his troops in front of the camp and closed the gates against the flying multitude. When the gates at length were opened, the Romans burst in with the fugitives, and of the king's army some 10,000 alone made their escape with Archelaus to Chalcis. It was a hard-won battle which attests Sulla's skill and does not need his embellishment that the Roman losses amounted to fourteen men, two of whom returned before night. The Roman victory was made complete by the destruction of the Pontic foraging parties as they returned, ignorant of what had happened, to the camp.

Sulla sought by a forced march with his light troops to intercept Archelaus at the Euripus but failing to do so withdrew to Athens, where the Acropolis had surrendered about the same time as the battle of Chaeronea took place[2]. The Thebans were heavily punished for their past misconduct, being compelled to surrender half their land, which was made over to the gods whose treasuries Sulla had robbed at the beginning of the war[1]. In Athens the partisans of Aristion were put to death, but Aristion himself for the present was kept alive. No further penalties, however, were inflicted on the Athenians, who, with the partisans of Rome once more established in power, were allowed to retain their liberty[2].

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[1] So Plutarch, *Sulla*, 19; Appian, *Mithr.* 43. Probably a reserve to the right wing and commanded by Galba.

[2] Licinianus, p. 24 F.; Pausanias 1, 20, 2.

For the time being the Greek mainland was cleared of the enemy, but Euboea and the fortress of Chalcis remained in the hands of Archelaus, whose command of the sea was unimpaired. From Chalcis his fleet carried out a series of raids on the Greek coast as far as the island of Zacynthos, and penetrating into the Adriatic had destroyed a number of the transports carrying the advance-guard of Flaccus, who had been appointed by the Roman government to take over the command from Sulla and was already on his way (summer, 86). Chaeronea, therefore, had brought no more than a temporary respite to Sulla. With the prospect of a fresh Pontic army arriving in central Greece by sea, there could as yet be no thought of carrying the war by land to Asia Minor. A march northwards against the army of Flaccus would enable the enemy to recover central Greece without a blow if Sulla's plans miscarried and if Mithridates could expedite the arrival of the new army. Sulla, accordingly, took up a position at Melitaea in Phthiotis on the western slopes of Mt Othrys, from which the main route from Thessaly to Lamia could be watched, and from which he could return quickly to Boeotia in the event of any movement by Archelaus. All the strategical advantages therefore were once more in the hands of Archelaus. Reinforced during the summer of 86 by Dorylaus with an army which is said to have numbered 80,000[3], Archelaus crossed from Chalcis and while detachments of his army ravaged Boeotia, took up a position in the plain of Orchomenus, where his cavalry and chariots could have free play. Once more the Boeotians went over to the enemy.

The new development brought Sulla back at once to Boeotia, where he took up his position opposite Archelaus. Outnumbered as he was and operating on ground which was entirely in favour of the enemy, Sulla sought to protect his flanks by cutting trenches ten feet wide to circumscribe the action of the enemy cavalry and force them towards the marshes of Copais. While the Romans were thus engaged, Archelaus delivered a general attack. His cavalry, posted on the two wings, surprised the working parties and threw back the detachments which were covering them. The Roman left seemed about to give way, when Sulla, riding forward, leapt from his horse and by his personal example rallied his men. The arrival of two cohorts from the right enabled them to drive back the enemy and regain the line of their entrenchments, on which the enemy delivered a second and still more furious attack[1].

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[1] Plutarch, *Sulla*, 19; Pausanias IX, 7, 4.

[2] Livy, *Epit.* 81; Strabo IX, 398. For the arrangements in Athens, made probably at the end of the war, see Ferguson, *op. cit.* p. 456.

[3] So Appian, *Mithr.* 49, and Plutarch, *Sulla*, 20; the text of Licinianus seems to give Dorylaus 65,000 infantry, 15,000 cavalry and 70 chariots. Orosius VI, 2, 6, and Eutropius V, 6, 3 give 70,000. We have no figures from Memnon but if his original total of 150,000 (see above, p. 240, n. 2) is correct, Dorylaus' force cannot have exceeded 20,000.

In the centre Archelaus had posted his chariots, supported as at Chaeronea by the phalanx, with a detachment of heavy-armed troops and renegade Italians in reserve. To meet the charge of the chariots Sulla had drawn up his centre in three ranks with wide intervals between the flanks of detachments. As the chariots charged they became involved in the stakes planted by the second rank, behind which the front rank of the Romans withdrew, and at the same time they were assaulted by the Roman cavalry and light-armed, issuing by the intervals in the Roman line. Terrified by the shouts and weapons of the enemy the chariot horses bolted back on to the phalanx and involved it also in their panic. When Archelaus endeavoured to stop the rout by withdrawing his cavalry from the wings, Sulla charged it with his horse and drove the whole army headlong to its camp. The enemy had left some 15,000 dead on the field and were thoroughly demoralized. On the following day therefore Sulla proceeded to enclose their camp with a ditch. An attempt of the enemy to interrupt the work was thrown back and in the resulting confusion the Roman troops carried the camp by storm. The invasion of Greece was at an end. The remnants of the Pontic army were driven into the marshes of

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[1] The accounts in Plutarch, *Sulla*, 21, and Appian, *Mithr.* 49, refer mainly to the fighting on the wings (especially the left), which as at Chaeronea was the most critical. Frontinus (*Strat.* II, 3, 17) cannot, as has been supposed, refer to Chaeronea. He gives us valuable information regarding Archelaus' formation, namely that his cavalry was disposed on either wing with the chariots and phalanx in the centre. From Plutarch we learn that it was the Roman working parties and the covering troops (i.e. those on the flanks, cf. Frontinus: Sulla fossas...utroque latere duxit; Plutarch: ἑκατέρωθεν) which were surprised at the first onset, Appian stating that this happened διὰ δέος τῶν ἵππων. The enemy's losses were chiefly in cavalry, i.e. were lost in the fighting on the wings. Since reinforcements were brought from the right, it would seem that it was the Roman left which gave way at the beginning of the battle.

Copais. Archelaus himself after hiding two days in the swamps at length reached the coast and escaped in a small boat to Chalcis, where he sought to rally any detachments of the king's troops that remained in Greece.

VII. REACTION AGAINST MITHRIDATES, PRELIMINARIES OF PEACE.

Although he was not yet in a position to carry the war into Asia Minor, the news of Sulla's victories produced, as was to be expected, a remarkable change of heart among the cities of Asia. The appointment of governors and tyrants (see above, p. 241, n. 1) was scarcely calculated to maintain the first enthusiasm of the Greek cities for Mithridates, and the exactions and levies which were necessitated by the sending of a second army to Greece after Chaeronea increased their discontent. The first serious outbreak arose among the Galatians, whose leading men had been treacherously seized and murdered by the king at a banquet, on the ground of a plot against his life. The survivors raised rebellion throughout Galatia, expelling the king's satrap and his garrisons[1].

We next hear of trouble in the island of Chios, against which Mithridates is said to have borne a grudge since the time when a Chian ship had fouled his own in the operations off Rhodes. The Roman party in Chios was strong, and after confiscating the property of those who had fled, Mithridates, who suspected the Chians of being in communication with Sulla, gave orders for a detachment of the fleet of Dorylaus to occupy the island on its way to Greece[2]. The town walls were occupied by night, the citizens disarmed and hostages furnished to the king's officer Zenobius. A fine of 2000 talents was next imposed, but, accused by Zenobius of giving short weight, the defenceless inhabitants were carried off to Mithridates who ordered them to be transported to Colchis[3]. On the voyage, however, they were rescued by the people of Heraclea[4]. The fate of Chios was a warning to the rest of the treatment which they also might expect. When Zenobius presented himself before Ephesus, the inhabitants refused to admit his troops, and after deliberation arrested the king's officer and put him to death. A decree records the revolt of the city, its claim to have preserved throughout its good will towards Rome and the nature of the measures now taken for defence against the 'King of Cappadocia'[1]. The example of Ephesus was followed by a number of cities, among which are mentioned Tralles, Smyrna and Colophon. Some were recovered and brutally punished[2], but to prevent the revolt spreading, Mithridates, while nominally granting freedom to the Greek cities, increased the number of his partisans by the cancellation of debts, the freeing of slaves and extensions of citizenship. Even so conspiracies, real or imaginary, against his life drove Mithridates to organize a reign of terror against those suspected of good will towards Rome. On the information of his spies some eighty citizens of Pergamum were executed, and a conservative estimate puts the number of his victims in the province at 1600[3].

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[1] Appian, *Mithr.* 46, 58; Plutarch, *Mor.* 259 A–D.

[2] This gives us some indication of date. Reinach, *op. cit.* p. 182, places the episode before Chaeronea. In Appian, *Mithr.* 46, the officer charged with this task was Zenobius, *στρατιὰν ἄγων ὡς ἐς τὴν Ἑλλάδα*. Memnon, 33, says it was Dorylaus. Obviously Zenobius was detached from Dorylaus' forces on their way to reinforce Archelaus after Chaeronea.

[3] Nicolaus Damasc., frag. 95; Posidonius, frag. 38. [4]

After the battle of Orchomenus further punishment had been inflicted by Sulla on Boeotia, and three of the coastal towns destroyed to prevent them being used by the enemy still in Euboea. He then marched northwards to Thessaly, to await the arrival of the army of Flaccus, and took up his quarters for the winter. Being still without news of Lucullus, he further set himself to build the fleet that was necessary for his projected invasion of Asia. In the meantime Flaccus had crossed from Italy with two legions, the advance-guard of which was now arriving in Thessaly (p. 266 *sq.*). Flaccus, greedy and incompetent, was unpopular with his troops, many of whom began to go over to Sulla. Further desertions, however, were prevented by his *legatus* Fimbria, but in the circumstances it did not seem wisdom to try conclusions with Sulla, but rather to march direct to the Bosporus. Considerable hardships were endured in the course of a winter march through Thrace, and resistance was encountered from the Pontic garrisons which still remained. But on the capture of Philippi, the king's troops evacuated their remaining stronghold of Abdera and withdrew from Europe. On the march, Fimbria had granted the division under his command unlimited license to plunder, and when the inhabitants appealed to Flaccus, encouraged his men to disobey the orders for restitution. At Byzantium further divisions broke out between the general and his *legatus*. In view of their previous conduct Flaccus had ordered the troops to encamp outside the city. Fimbria seized the opportunity of Flaccus' absence to

[1] Ditt.³ 742.

[2] Livy, *Epit.* 82.

[3] Appian, *Mithr.* 48. The figure of 20,000 in Orosius VI, 2, 8 is ludicrous.

incite the legions to enter the city and billet themselves on the inhabitants, many of whom were killed in the disturbance. Later, when his division had already crossed into Asia, Fimbria, who after a fresh quarrel with Flaccus was threatening to throw up his command, found himself superseded by the appointment of a certain Thermus. He accordingly left for Byzantium, ostensibly on his way to Rome, but raised the troops against Thermus, drove out Flaccus on his return, and pursuing him to Chalcedon and Nicomedeia had him put to death. In spite of its disapproval the Senate was compelled to confirm him in the command which he had thus assumed[1].

On the news of Orchomenus Mithridates had turned his thoughts towards peace and issued instructions to Archelaus to arrive at an accommodation with Sulla. He still had hopes of retaining his acquisitions in Asia, since Sulla was unable to move from Greece and, the army of Flaccus not yet having arrived in Asia, there were prospects of playing one commander off against the other. Archelaus contrived to open negotiations with Sulla through an agent, and a conference was arranged to take place at Aulis[2]. The conference was opened by Archelaus, who proposed that on the basis of the *status quo* Mithridates should conclude an alliance with Sulla and provide him with the shipping, funds and troops required to carry on the war with his enemies in Rome. The insult was met, as we should expect, by a counter-invitation to Archelaus to surrender the fleet which he still commanded and join the side of the Romans.

The principals then proceeded to business, and a preliminary agreement was drafted in the following terms: the fleet commanded by Archelaus to be surrendered to Sulla[3]; prisoners, deserters and escaped slaves to be restored; Mithridates to retire from all conquered territory, including Paphlagonia, and pay an indemnity of 2000 talents. In return Mithridates was once more to become the friend and ally of Rome. Although at the outset Archelaus had protested at the suggestion that he should betray his master, it is obvious that he was fearful about his reception by

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[1] The account in Dio, frag. 104, has been followed. Memnon, 34, places the murder of Flaccus after both divisions had crossed into Bithynia.

[2] Licinianus, p. 26 F.; Plutarch, *Sulla*, 22, says near Delium.

[3] So Appian, *Mithr.* 55, and Licinianus, p. 26 F.; Plutarch, *Sulla*, 22, 70 ships; Memnon, 35 (who gives only the terms finally agreed at Dardanus), 80 ships. Livy, *Epit.* 82: Archelaus cum classe regia Sullae se tradidit. Reinach, *op. cit.* p. 197, regards the withdrawal of his garrisons by Archelaus and the surrender of the warships under his command as part of a secret agreement between Sulla and Archelaus.

Mithridates and anxious to secure Sulla's goodwill. The fleet under his immediate command was immobilized or was actually surrendered, and the garrisons were withdrawn from the points which he still held. While the terms of the draft agreement were being conveyed to Mithridates, Archelaus remained as a distinguished guest at Sulla's headquarters, receiving the utmost consideration when he fell ill at Larissa, and being gratified with the death of Aristion, still a prisoner in Sulla's hands, against whom he nourished a grievance for his incompetent handling of the defence of Athens. Now or later, Archelaus also received large estates in Euboea and the title of friend and ally of the Roman People. While awaiting the king's reply Sulla spent the summer of 85 in operations against the northern tribes who had been troubling Macedon[1].

VIII. THE INVASION OF ASIA MINOR

During the early months of the year 85 the position of Mithridates was growing rapidly worse. Fimbria was conducting a highly successful, if brutal, campaign against the king and the Greek cities alike. Heavy contributions were laid on all, the money being shared among his troops, while towns which offered the least resistance were ruthlessly plundered, amongst them Nicomedeia and, at a later stage, Cyzicus, into which he had been received as a friend, and Ilium, whose people had given offence by sending to Sulla for assistance[2]. Mithridates had endeavoured to oppose Fimbria's advance from Bithynia on the Rhyndacus, where a large army was collected under his son Mithridates, recalled for the purpose from Pontus and assisted by Taxiles and the ablest of the king's generals. In the face of a greatly superior army, the Roman troops forced the passage of the river, and attacking the camp of the enemy at dawn, surprised them in their tents and destroyed the greater part of the army[3]. The younger Mithridates himself escaped with a part of his cavalry to join the king at Pergamum. But Fimbria, following up his victory, drove the king in flight to Pitane on the coast. He then beset the town on the land side, and sent an urgent message to Lucullus, who had at last arrived with something of a fleet and was cruising off the coast, to complete the blockade by sea. The language of the despatch, as given by Plutarch, was scarcely palatable to one of Sulla's partisans, nor was Fimbria's character likely to inspire confidence that he would abide by any agreement made with a political opponent. Lucullus refused to co-operate, and the great prize was lost[1].

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[1] Appian, *Mithr.* 55. Plutarch, *Sulla*, 23, puts these operations after the return of the ambassadors and during Archelaus' mission to Mithridates. On the strength of Licinianus, p. 27 F., Reinach (*op. cit.* p. 198) would place a campaign undertaken by Hortensius in the north immediately after the conference, and a second expedition undertaken by Sulla himself during Archelaus' mission to Mithridates. But the diplomatic situation was such that Sulla could hardly have absented himself at this stage.

[2] Livy, *Epit.* 83; Appian, *Mithr.* 53; Dio, frag. 104; Strabo XIII, 574.

[3] Memnon, 34; Frontinus, *Strat.* III, 17, 5.

Lucullus, it will be remembered, had been sent out by Sulla in the winter of 87–6 to raise a fleet among the maritime states of the East still loyal to Rome. With six vessels he had made his way through the enemy fleets to Crete and Cyrene. When the little squadron set sail for Egypt, most of it was lost to Mithridates' friends the pirates, and it was with difficulty that Lucullus himself made his way to Alexandria. Here he received a royal welcome from the Egyptian king together with a polite refusal to take part in the quarrel between Rome and Mithridates. He was, however, escorted in safety to Cyprus, where he was able to gather a few war vessels from the Cypriotes themselves, Phoenicia and Pamphylia. A year had elapsed since he had left Sulla. After spending part of the winter in Cyprus, Lucullus slipped through the enemy vessels which were waiting for him, and, as Sulla had ordered, joined his small squadron to that of the Rhodians in the spring of 85. The united fleet then proceeded to raise revolts among the islands and on the coast of Asia Minor. Cos and Cnidos were recovered, and the king's partisans driven out of Colophon and Chios. After refusing Fimbria's appeal at Pitane, Lucullus, sailing on northwards, defeated a Pontic squadron off the promontory of Lectum in the Troad, and in conjunction with the Rhodians overcame the fleet commanded by Neoptolemus off Tenedos. Regaining communication with Sulla, who had now advanced to Cypsela, Lucullus entered the Hellespont and waited at Abydos to transport the Roman army to Asia Minor[2].

When the ambassadors from the king returned to Sulla, Mithridates professed himself ready to accept the terms offered, with the exception of the clauses ordering the surrender of a part of his fleet and the evacuation of Paphlagonia. At the same time he hinted that better terms could be obtained from Fimbria. Sulla refused to abate the least of his demands and sent Archelaus to reason with the king. With the successes of Fimbria in Asia and of Lucullus at sea Mithridates' position was desperate. Rejoining Sulla at Philippi, Archelaus brought word that Mithridates now requested a conference. At Dardanus in the Troad Mithridates in person accepted the terms dictated by Sulla, and after being reconciled to Nicomedes and Ariobarzanes, withdrew by sea to Pontus (August, 85 B.C.).

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[1] Appian, *Mithr.* 52; Plutarch, *Lucullus*, 3.

[2] Plutarch, *Lucullus*, 2–3.

It is clear that considerable dissatisfaction was expressed by the army at the easy terms which had been granted to Mithridates, but Sulla excused himself on the ground that Fimbria and the king might have made common cause against him, and proceeded at once to deal with his rival. Fimbria had withdrawn southwards, and after carrying out a plundering raid through Phrygia was lying at Thyatira. When Sulla called upon him to surrender and began to enclose his camp, many of the Fimbrian troops deserted, others openly fraternized with Sulla's men, even to the extent of lending a hand in the works of circumvallation. Fimbria, having attempted unsuccessfully both to procure the assassination of Sulla and to bring him to an interview, fled in despair to Pergamum[1], where he committed suicide. His two legions were added by Sulla to his own army, only a few of the more desperate making their way to Mithridates.

There remained the settlement of affairs in Asia Minor. The states which had stood by Rome were suitably rewarded, Rhodes in particular receiving back a portion of the Peraea, which she lost after the Third Macedonian War (vol. VIII, p. 289). Having sent Curio to restore Nicomedes and Ariobarzanes to their kingdoms, Sulla reduced such towns as still resisted in Asia, ordering the restoration to their masters of slaves set free by Mithridates, and punishing any further resistance or disobedience with slaughter, plundering and destruction of fortifications. Everywhere the partisans of the king were singled out for punishment. With the approach of the winter (85–4), Sulla provided for the comfort of the troops and the further punishment of the provincials by billeting his men on the inhabitants, special orders being issued for the entertainment of the soldiers and for their pay. Each legionary was to receive from his host the sum of 16 drachmae a day, centurions 50 drachmae together with two suits of clothing. Finally an indemnity of 20,000 talents, the estimated cost of the war and of the five years' arrears of taxes, was imposed, for which purpose the province was divided into districts, each responsible for a fixed proportion of the debt[1]. The system seems to have remained the basis for the later financial organization of Asia, but that the right of farming the taxes in the province was withdrawn from the Equites seems improbable[2], well as it would have accorded with Sulla's political feelings towards that class.

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[1] Appian, *Mithr.* 60; Plutarch, *Sulla*, 25, places his death in the camp at Thyatira.

To raise the sums demanded was beyond the resources of the province. Recourse as usual was had to lenders, and within a few years financiers and tax-farmers brought the country to despair. Not even the justice and fairness of Lucullus could make the burden tolerable. Shortly before his return to Rome in 80 B.C. Mitylene, which had incurred the especial displeasure of the Romans, ventured on a revolt that was not repressed without hard fighting. The coasts at the same time were being plundered by the pirates let loose during the war, with whom Sulla had no opportunity to deal. Leaving Murena with the two Fimbrian legions to administer the province, Sulla sailed from Ephesus in the year 84, and after a few months spent in Greece, embarked his army for Italy. Besides the spoils and treasures which were reserved for his triumph he brought with him something of more permanent value—the treatises of Aristotle, which after long concealment were now to be published to the world by scholars such as Tyrannio and Andronicus of Rhodes[3].

The crisis at Orchomenus had shown Sulla to be a soldier's general, but he was more than that. In strategy he was at once cool and daring, in tactics he was the first great master in the art of handling the more flexible weapon which the legions had become; in diplomacy he showed his hand had not lost its cunning. The rapid re-organization of Asia was, at the least, a great administrative feat and the Peace of Dardanus, if it was not a final settlement, gave Rome as well as Mithridates breathing-space. Having sacrificed his friends and imperilled his own career to meet the needs of Rome abroad, he was now to return to take vengeance and to reconstruct the Roman State.

[1] The number XLIV in Cassiodorus, *Chron.*, is uncertain both on palaeographical and other grounds. For the *regiones* see V. Chapot, *Province romaine proconsulaire d'Asie*, pp. 89 *sqq.*

[2] See T. Rice Holmes, *The Roman Republic*, I, p. 395, where the question is fully discussed.

[3] Plutarch, *Sulla*, 26, 1; Strabo XIII, 608 *sq.* See above, vol. VI, p. 333.

CHAPTER VI

SULLA

I. THE SO-CALLED *BELLUM OCTAVIANUM* AND THE SECOND CAPTURE OF ROME

EVENTS in Rome and Italy during Sulla's absence in Greece are a sordid story, and their study ill repays the trouble. The stage was held by a contemptible troop, none of them effective and most of them corrupt, among whom for the first twelve months or so there stalked the dominating figure of Marius. But even the influence of Marius was all for evil; for by this time he was in his dotage—an old man with an *idée fixe*, thinking of nothing but the pleasures of revenge. Cicero, though he gratefully admits that from 85 to 83 B.C. Rome was so far free from fighting that the practice of oratory could be resumed[1], justly describes the times when he says, 'inter profectionem reditumque L. Sullae sine iure fuit et sine ulla dignitate res publica'[2].

The first move came from Cinna. Whether he had yet proposed the recall of Marius or not[3], he announced his decision to revive the programme of Sulpicius for dealing with the freedmen and the newly-enfranchised citizens. Immediately violence broke out again. The new citizens, of whom there were many in the city, crowded to support their champion, and they were soon joined by many more who flocked in from the country to lend a hand. The old Romans, among whom opposition to the change was stronger now that the influence of Marius had been withdrawn, found a natural leader in the other consul, Octavius. The signal for the final struggle was given when the inevitable tribunician veto was pronounced. There was a fight in the Forum: for a moment the cause of the conservatives was in peril, but Octavius himself arrived in time, and soon Cinna, making the usual appeal to the slaves, was driven headlong from the city. So the first round went to Octavius. But, if Cinna's position for the moment was weak, his own was little stronger. Neither party had an army, and victory in the end would go to him who had the skill to get one. This was the fact which made futile the next move of Octavius.

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[1] *Brutus*, 90, 308.
[2] *ib.* 63, 227.
[3] Cf. Florus II, 9, (III, 21), 9; *de viris ill.* 69, 2.

Instead of raising troops, he toyed with the feeble weapons of the constitution. The Senate, this time apparently on its own authority alone, declared Cinna no longer a citizen but an enemy of the State. His consulship, therefore, was at an end, and in his place was appointed L. Cornelius Merula. The choice was peculiar. Since Merula was Flamen Dialis and might not, therefore, look upon a corpse, the part he played in Roman politics was not likely to be large; and his usefulness was still further curtailed by the taboo which forbade him to enter the presence of an army. There can be little doubt that this singular selection was a political trick: for reasons which we cannot fathom, it was decided that Octavius in fact, though not in name, should be consul without a colleague.

Meanwhile Cinna was more profitably employed. Appius Claudius Pulcher, praetor of 89 B.C. and father of the famous Clodius, had an army in Campania, whither Cinna now made his way. He had already been joined by Sertorius, a tried soldier even at this early stage, by Marius Gratidianus and by other leading opponents of the Senate; and this party, on its journey to the south, picked up a motley following from the towns and villages through which they passed. When they reached Campania, the issue was not long in doubt. Appius Claudius was in no state to resist the demands of a man who, with some justice, could claim to wield the authority of a consul: indeed, Appius seems only to have retained his command thus long by flouting a law which had deprived him of *imperium*[1]. The army declared for Cinna without delay, and the return to Rome began. The progress was triumphant: one success, as ever, bred more, and the new citizens joined the standards in such numbers that Cinna soon had a formidable army at his back. More than this, on the news of Sulla's departure for the East, Marius had returned to Italy, and when he landed in Etruria he was soon able to raise a force of his own by enlisting slaves and declaring his devotion to the programme of Sulpicius. Thus Rome was threatened from north and south.

Against this danger the government at length bestirred itself. While Octavius and Merula hurriedly prepared defences round the city, appeals for help were sent to Pompeius Strabo, who still controlled the army in Picenum, and to the peoples of the region across the Po who might accept his leadership in gratitude for the passing of the Lex Pompeia de Transpadanis (p. 195 *sq.*). How far they responded we do not know, but any inclination they may have had to move was effectively checked by an expedition which Cinna sent up the Via Flaminia to Ariminum and the North. Pompeius himself obeyed the call: he came to Rome, pitched his camp outside the Colline Gate, and waited on events. His position was sufficiently difficult. The troops with Marius, indeed, were comparatively few: 6000 is the number given. But the army with Cinna was so large that, as it drew near to Rome, he could split it into three separate columns, commanded by himself, Sertorius and the enterprising Cn. Carbo. Despite the protests of Sertorius, who recognized the danger of such a friend, Cinna made the inevitable compact with Marius, and arrangements were then concerted for a fourfold attack on Rome.

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[1] Cicero, *de domo sua*, 31, 83.

Such was the gloomy situation when at length Pompeius Strabo, evidently not a man to be dismayed by odds, declared for the government and prepared to fight. His chief weakness was his lack of troops, and this lack the Senate had for some time been trying to make good. The Marians, by their promise to revive the Lex Sulpicia for the benefit of the newly-enfranchised Italians, had secured the support of the masses who had received the Roman *civitas* in 90 and 89 B.C. But there remained a great body of people who, by refusing to lay down their arms forthwith, had lost their chance of gaining the citizenship outright; and to them the Senate turned[1]. They were offered the franchise, apparently with no condition save that they should fight for the government in the coming struggle; but the offer, coming from such a quarter, was so obvious a bribe that the recruits it brought were only sixteen cohorts. For the rest, Metellus Pius was recalled to Rome and came with a section of his army; but the remainder of his force was immediately destroyed by the Samnites, who were thus set free to join the hosts of Cinna.

The siege of Rome would be a gloomy theme, even if the evidence were enough to allow its study: as it is, the authorities are so brief that only the outlines of the story can be traced. The senatorial forces held the inner lines, and their opponents were in four isolated divisions; but the attackers lay so close to the city, and the forces of the government were so inadequate, that not even a Napoleon could have hoped to destroy the enemy in detail. The outstanding incidents were few. Marius struck the most deadly blow when he captured Ostia and so gained control of the food-supply; but his subsequent advance on Rome, apparently by the Via Campana, was abruptly stopped after he had seized Janiculum. Somewhere in the region of the Borgo, Octavius blocked his way; and in the battle which followed the losses of

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[1] Licinianus, p. 20 *sq.* F.

Marius were the heavier. Janiculum, it was said, might even have been recovered; but the city garrison had already been weakened in a heavy battle with Sertorius, and Pompeius Strabo forbade Octavius to follow up his success. Such was the spirit of the defence, and it was not the spirit to snatch victory from greater numbers. The feeble caution of the commanders soon had its effects on the men: desertions grew frequent, and discontent was fostered by disease. A first attempt to assassinate Pompeius was frustrated, but before long he died[1]; and thus there perished the one man in the city who, for all his evil character, could lay some claim to competence in war.

With Pompeius gone, the defence collapsed. The troops despised Octavius, and Metellus Pius had too meticulous a care for constitutional law to accept the invitation of the army and take over the command from a consul. The result of his refusal was immediate: the bulk of the legions deserted to the enemy and there was nothing left for the government but to open negotiations, if such they could be called. Cinna, refusing to give any promise that he would refrain from massacre, contented himself with saying that he would be as merciful as circumstances allowed: he insisted that he would enter the city as consul. The luckless Merula was, therefore, deposed; and then for the second time Rome fell before a Roman army.

II. THE DOMINATION OF CINNA

The first public act of Cinna after his return was to rescind the decree of outlawry against Marius and his friends. As soon as this had been achieved, Marius made his last and most sinister return to Rome. There followed a scene never forgotten by those who saw it and survived. The old man, consumed by the lust for vengeance, let loose his army and his liberated slaves against all his enemies, real or supposed. Octavius, the consul, was butchered with some ceremony, M. Antonius, the orator, with less. Q. Catulus, colleague of Marius in the consulship of 102, and the inoffensive Merula were honoured with prosecution in legal form, but neither waited for the formality of trial. Catulus suffocated himself with charcoal fumes, and Merula, having laid aside his mitre, bled himself to death in the Temple of Juppiter, to be succeeded as Flamen Dialis by the young Julius Caesar, now fourteen years of age. Of the victims no count was kept. The heads of the senators who fell were displayed from the Rostra, but the rest were left where they lay, to be devoured as carrion because their friends dared not give them burial. Thus the forebodings of Sertorius came true. The guilt for this appalling slaughter rests with Marius alone. Sertorius took no part, and even Cinna found it more than he could stomach. When terror had reigned five days and nights, he surrounded the slaves who were the chief agents of Marius and ordered the troops to kill them out of hand. Then at length the carnage ceased.

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[1] Vell. Pat. (II, 21, 4) is probably right in his suggestion that Pompeius died of disease. This is the meaning of the phrase 'sidere adflatus' used by Obsequens (56 *a*), misunderstanding of the original of which has perhaps generated the story of Plutarch, Appian, Licinianus and Orosius that he was killed by lightning.

The new masters now tried to set their house in order. What votes and resolutions could do was soon achieved. Marius and Cinna were declared consuls for the year 86 B.C., with only the most perfunctory pretence of election, if even that: Sulla was proclaimed an outlaw, and his legislation was repealed *en bloc*. But still the fact remained that Sulla himself, though his property was confiscated, his house destroyed and his family in the direst jeopardy until they escaped to Greece, was at the head of a large and devoted army which enabled him to snap his fingers at the farce in Rome. Had there been the slightest chance that the action of Marius and Cinna would prove effective, had it been conceivable that they could deprive the forces in the East of their only tried commander before a successor had been found, that action would have been the most criminal treason to the safety of the State: as things were, the fidelity of Sulla's troops rendered it merely fatuous. But powerless as it was to help its authors' cause, it was an act of grave significance, most ominous for the future. By this senseless decree the greatest figure in the Roman world was forced into hostility with the government at home.

On January 13, 86 B.C., Marius died, and the vacant consulship was assigned to a certain L. Valerius C. f. L. n. Flaccus—not to be confused with his cousin L. Valerius L. f. L. n. Flaccus, who had been consul in 100, censor in 97 and was soon to become Princeps Senatus. Among the tasks which now faced the government one at least was urgent. War in Italy had produced its invariable economic effect. Land and buildings, the best of all investments, had slumped, and owners dared not realize to pay their creditors because to do so would make them hopelessly insolvent. If the lenders could wait, a moratorium was clearly indicated until such time as property had recovered its normal value: if not, debts must be scaled down to a point at which assets would meet liabilities and still leave the debtors something on which to live. The difficulties of the problem were increased by the financial panic which followed the loss of Asia to Mithridates (p. 241) and by the lamentable state of the coinage at home. The well-meant experiment of the younger Drusus in debasing the *denarius* (p. 179) had led to a confusion in the currency which a deeper familiarity with money would have foreseen. Plated coins were worth less than the issues of solid silver, but their relative values were wholly a matter of opinion. The value of the *denarius* itself, as a denomination, became so doubtful that, according to Cicero, no man had any means of telling what he was really worth.

To meet this financial emergency two measures were devised. The chaos in the currency was resolved by a conference of the praetors and tribunes, whose decision was somewhat prematurely issued as an edict by the praetor Marius Gratidianus, to the great benefit of his personal popularity. On the details of his enactment our information fails; but Pliny's statement (*N.H.* XXXIII, 132) that it involved some system of assay suggests that debased coins, on detection, were either withdrawn from circulation or, as is perhaps more probable, kept in use for the time being at something less than their nominal value. The more general question of debt, with which Sulla and Pompeius Rufus had made some attempt to deal in 88 B.C. (p. 209), was the subject of a consular law introduced by Flaccus. It was a drastic measure which, though Sallust represents it to have been welcomed by responsible opinion, is more truly described by Velleius as disgraceful: creditors lost three-quarters of their loans and were compelled to accept a *sestertius* in the *denarius*—five shillings in the pound—in full discharge. Possibly it was the best that could be done, if something must be done forthwith: in that case, creditors had only themselves to thank for the consequences of their own impatience. But a comparison with the arrangements to meet a very similar crisis made by Caesar in 49 B.C.—arrangements which gave lenders a choice between immediate payment in part and deferred payment in full (p. 655)—is enough to show how feeble an effort was that of Flaccus to grapple with a problem of undoubted difficulty.

After the settlement of the economic problem, Flaccus was assigned a still harder task. Though he was wholly without military distinction and even, so far as our information goes, without experience in war, the unfortunate consul was chosen by his friends to lead an enterprise of the utmost peril. He was to take an army to the East and with it to attack either Mithridates or Sulla, whichever seemed the more yielding victim. If a strong force under a competent general had been organized to attack the Asiatic possessions of the king, while Sulla was holding a large part of the royal troops in Greece, the plan would have had much to commend it; but it is evident that, as things were, any strategic merits which the scheme might seem to possess were mere accidents in a piece of political intrigue. Flaccus, a man so brutal that his troops were constantly on the verge of mutiny, was a mere pygmy in the presence of such military giants as his opponents, and his stature was not noticeably increased by the device of mounting him on the shoulders of a *legatus*—C. Flavius Fimbria. Fimbria, whose only claim to notice hitherto had been an attempt to murder the Pontifex Maximus—Scaevola—at Marius' funeral, did, indeed, win some indisputable successes over the generals of the king, but even he could not induce his troops to turn their arms against Sulla. And it was against Sulla that the expedition was really aimed: its object was to destroy the power which nothing but destruction could prevent from proving fatal, in its own good time, to the government of Cinna in Rome. The proposed attack on Mithridates was, at the outset, a mere piece of camouflage, probably designed to hide the true nature of the business from the eyes of an army whose allegiance could not be trusted when Sulla was the foe: and in the upshot it was only by chance that the force found itself in Asia at all.

When at length they had crossed the Adriatic and begun to move east towards Macedonia, the commanders determined to turn south and seek out Sulla—a threat which Sulla advanced to meet; but desertions soon warned Flaccus and Fimbria that it would be folly to risk an engagement, and it was for this reason, and this reason alone, that, though Sulla was almost immediately entangled with the second Pontic army of Dorylaus, they refused their opportunity and moved on towards Byzantium for want of any other occupation. Thus, though it did some service to the Roman cause (see above, pp. 255 *sqq.*), this futile expedition failed of its real purpose, as it was bound to do. Sulla was at large, passing from strength to strength, and Cinna's domination was doomed to disappear so soon as Sulla could return to Italy.

Meanwhile Cinna at home was faced with the problem of the new citizens—a problem to which he might address himself the more enthusiastically because its successful solution could not fail to increase his power of recruiting forces for the coming fight. Promises to the Italians had been freely made. Cinna had undertaken to meet the demands of those who were enfranchised already by reviving the measure of Sulpicius to distribute them over the whole tribal body; and the Senate, in its quest for help against the Marians, had offered citizenship to those excluded from the benefits of the laws of 90 and 89 B.C. In less than two years these promises were to be redeemed; but though L. Marcius Philippus and M. Perperna, censors in 86, were more active than their predecessors of three years before, the work of registering the new citizens seems for the moment to have made most disappointing progress. Circumstances combined to delay their work: some of the praetors had been careless in compiling the lists required by the Lex Plautia Papiria[1], and the continued warfare, both in Italy and elsewhere, doubtless made it difficult for many of the Italians to hand in their applications. Whatever the causes, the returns showed only 463,000 names; and unless this figure is to be emended, the rise since 115 B.C. was one of less than 70,000.

But, besides the work of enrolment, there remained the task of merging the new citizens in the body politic of Rome; for, despite the long-drawn agitation for their repeal, the niggling arrangements of the Social War were still in force and the newcomers found themselves herded into a small minority of the tribes. Justice was done at length, though perhaps not till 84. It was in that year, according to the *Epitome* of Livy, that the citizens from Italy gained the *ius suffragii*: presumably they were spread throughout the tribes and their votes were thus made effective. Into the motives for the final concession, which was made by *senatus consultum*, there is no need to inquire. It belongs to a time after the Peace of Dardanus had brought Sulla's return very near, and, like other contemporary measures, it may have been primarily designed to win recruits: but, whatever the considerations which prompted it, the resolution of the Senate put the last touch to the triumph of the liberal cause. Though war still lingered in the remoter parts, only time was needed for the recalcitrants to gain the benefits which their more submissive neighbours were already able to enjoy. The principle of the settlement was irrevocably fixed. All the free inhabitants of Italy were to be equal members of a single State. The unification was achieved.

Meanwhile politics had been running a more tranquil course. The departure of Flaccus and Fimbria in 86 marked the beginning of a respite from the worst forms of strife, and for three years Rome resumed something of its normal aspect. It is true that Cinna had chosen as his colleague in the consulship of 85 B.C. the bitter and headstrong Cn. Carbo, who has already appeared as commander of an army during the Marian siege of Rome; but, in spite of the character of his associates, Cinna himself seems to have behaved with a degree of moderation which enabled him to retain in the city at least some of the more prominent men who did not belong to his own party. His behaviour was not, indeed, above reproach. The means by which he got Carbo and himself made consuls for 85 B.C., and the formality whereby their office was continued for the following year, were, to say the least, so high-handed that men could deny that an election had been held at all. But in their main occupation—the preparation for the fight with Sulla—Cinna and Carbo could proceed without provoking open resistance: after its experience of armies in action, Rome was in no mood to boggle at mere recruitment, however sinister a future it might portend. Legions were raised, a fleet was collected, supplies were organized and money was provided to finance the war, when suddenly, towards the end of 85 B.C., there came an ominous pronouncement from the East. In a formal communication to the Senate Sulla rehearsed his services since the time of the Jugurthine War, complained of the treatment to which he and his friends had been subjected since 88 B.C., put it beyond doubt that he would respect all concessions to the new citizens, by whomsoever made, and finally stated his intention in the plainest terms of taking vengeance on the leaders of the movement designed to work his ruin. To this forthright letter the Senate was allowed to reply: Cinna seems to have lost his nerve. The Fathers offered to arrange an accommodation between the opposing sides, and ordered Cinna to stop his warlike preparations until Sulla's answer arrived: but the senatorial offer contained a sting—by proposing to guarantee his safety it assumed that, before long, Sulla would be a private citizen.

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[1] Cicero, *pro Archia*, 5, 9

III. THE RETURN OF SULLA

In this alarming situation Cinna and Carbo did not belie their reputations. Professing obedience to the Senate's commands, they secured the continuation of their consulships to the end of 84 B.C. and pressed on energetically with plans for self-defence. The scheme was one which did credit to its authors: Sulla was to be fought in Greece, and Italy would thus be spared a renewal of the civil war at home. The forces, accordingly, were concentrated on the eastern coast, and the vanguard had already crossed the Adriatic before winter closed the seas. But in the spring of 84 B.C., when the second contingent had set sail, a fracas broke out among the troops still quartered in Ancona, and Cinna was suddenly murdered. Carbo was now the only consul, and he showed no desire for a colleague. Fearing for his safety in the city, he refused to visit Rome for the formalities of choosing a man in Cinna's place, until finally the tribunician college threatened to proceed with the abrogation of his own *imperium* if he stayed away. Then at length he came; but, after the proceedings had twice been thwarted by the auspices, his opponents bowed to the will of heaven and Carbo was left sole consul for the rest of 84 B.C.

With his position for the time being assured, Carbo was free to develop his own strategic plan—a plan sadly different from that of Cinna. Italy took the unenviable place of Greece as the destined scene of operations. The troops sent to Epirus had already been recalled, and Carbo now looked for means of strengthening his hold on the Italian peoples. His proposal to take hostages for their loyalty was resisted by the Senate with success, but a wiser way of winning their good will found senatorial support. It is to this period that we should assign the action of the Senate whereby citizenship was conferred on all to whom it had been promised and the new citizens were distributed over all the tribes.

About now there arrived from Sulla his reply to the Senate's offer of mediation. It said that, so far as he himself was concerned, he could never be reconciled with his enemies, though he would not resent it if the State should decide to spare their lives. Then came the clause which revealed the fate of Rome. Ignoring the offer to guarantee his safety, Sulla promised that he would protect the Senate and all those who had been driven for refuge to his camp—a promise which he was in a position to fulfil because he could depend on the loyalty of his troops. Thereby Italy was informed that the army would not be disbanded and that only defeat in battle could stop Sulla from becoming military despot.

In the year 83 the direction of affairs changed hands, and the outlook grew black: for superstitious minds it was evidence enough of the wrath to come that on 6 July the Temple of Juppiter Optimus Maximus was destroyed by fire, statue and all. Carbo, though he remained in Italy, had secured a powerful position for himself, and one which might be useful in defeat, by taking command of Cisalpine Gaul. Resistance farther south was left to the new consuls—L. Scipio Asiaticus and C. Norbanus, the prosecutor of Caepio in the case of the 'aurum Tolosae' (p. 159 *sq.*). Both of them belonged to the Marian party; but, though Scipio seems to have been a man of moderation and Norbanus was not without experience of war, neither was of the calibre required in leaders who were to face so formidable a threat as that of Sulla's return. They made such preparations as they could: it was perhaps in order to provide a base for their armies in Campania that M. Junius Brutus, father of the tyrannicide and tribune in this year, proposed that Capua should be made a colony—if, indeed, the measure which Cicero[1] ascribes to Brutus really belongs to his tribunate. But the consuls were acting on the defensive: their task was to wait on the moves of the invader, and it is Sulla who now begins to dominate the scene.

When Sulla left Greece in the spring of 83 with an army estimated at 40,000 men, something significant for the future had already been achieved. Either at their leader's instigation or of their own free will, the troops had sworn an oath that they would stay with the colours after their arrival in Italy and maintain a discipline which should save the countryside from all unauthorized destruction. Thus Sulla seemed to confirm the expression given by his first message to the Senate: he was a Roman who cared for Italy, and the object of his coming was only to chastise his enemies. Then, with the assurance that his army would not scatter to its homes as soon as it found itself in Italy again, he crossed the Adriatic and landed at Brundisium.

It now became his most urgent business to declare his attitude towards the new citizens of Rome. The disreputable government of the Marians commanded no respect, and so futile a set of schemers was not likely to redeem its position by the concessions it had made to the demands for an equitable application of the principles wrung by force out of Rome during the Social War. Sulla was the only man who could give strength to his opponents: if he had revealed a determination to go back on the work done in his absence to satisfy the just claims of the Italians, those Italians would inevitably have rallied round Carbo and his friends. But Sulla was a statesman, and a shrewd judge of his own interests as well. So far from seeking to upset the settlement, he accepted it entire and took steps to let his acceptance be known to those whom it most closely concerned. Early in his northward advance, he had a conference with the consul Scipio between Cales and Teanum Sidicinum about some of the most momentous issues of the day—the position of the Senate, the constitution of the State and, above all, the *ius suffragii*[2]. If agreement on the last of these questions existed, the fact was probably not published abroad: the Marians could still make capital out of the new citizens' anxiety about Sulla's attitude to their position in the Roman State. But at the beginning of 82 their doubts were ended when Sulla made what is called a treaty with some section of these people, binding himself, in return for services unspecified, to maintain their rights intact[1]. This pledge deserves notice. It is one which Sulla never sought to break, and though it is sometimes overlooked in its martial setting, it marks the end of a chapter. With it the problem of the allies ceased to be a living issue.

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[1] *de lege agr.* II, 33, 89.

[2] Cicero, *Phil.* XII, 11, 27

IV. SULLA'S CONQUEST OF ITALY: THE THIRD CAPTURE OF ROME

After landing unchallenged at Brundisium, Sulla had marched along the Via Appia towards Campania as through a friendly country[2]. His army was small, but seasoned and trustworthy: five legions, 6000 cavalry and some troops from the Peloponnese and Macedonia. Powerful supporters soon joined him, such as Q. Caecilius Metellus Pius from Liguria who resumed the proconsular command conferred on him in 87, M. Licinius Crassus from Africa, and L. Philippus, who was sent to occupy Sardinia. And M. Lucullus struck a hard blow for him at Fidentia on the Via Aemilia in Cisalpine Gaul[3]. No less important was the action of the youthful Pompey, who foiled the attempts of the government to secure Picenum. Setting up the standard of the Sullan party at Auximum he raised three legions, brushed aside the forces sent against him, and reported at Sulla's camp, where he was hailed *imperator*.

Sulla reached Campania before he met with opposition. The consul C. Norbanus who was prepared to contest the crossing of the Volturnus at Casilinum arrested envoys sent by Sulla to discuss peace terms. Somewhere, in all probability between Mount Tifata and Casilinum[4], a battle was fought and Norbanus was routed; of the survivors some fled to the new colony at Capua, others to Neapolis. Leaving these cities to be invested Sulla marched up the Via Latina to Teanum where he met a second consular army under L. Scipio. To him also he first made proposals for peace, an armistice was concluded and such progress was made towards an understanding that Scipio sent Q. Sertorius to Capua to sound Norbanus. But Sertorius, with an eye to strategy and a distrust of the invader, secured a line of retreat to the Via Appia by seizing Suessa Aurunca which had joined Sulla. When Sulla complained of this, Scipio declared the armistice at an end. But in the meantime the persuasive manner of the veterans from overseas had undermined the loyalty of Scipio's recruits, so that the consul's troops passed over in a body. Well might Carbo fear the fox rather than the lion in the heart of Sulla. Scipio himself was set free, but soon began to enrol a fresh army. During the winter Norbanus was kept blockaded in Capua and would have none of his opponent's renewed attempt to make terms. Sertorius left to raise another army in Etruria.

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[1] Livy, *Epit.* 86.

[2] See above, Maps 4 and 6.

[3] See C. Lanzani in *Rend. Linc.* Ser. VI, vol. II, 1926, p. 7 on Plutarch, *Sulla*, 27.

[4] Appian, *Bell. Civ.* I, 84, 382, says that a battle was fought at Canusium. This is a mistake for some name in Campania, possibly Casilinum. The site is indicated by Velleius (II, 25, 4) and Florus (II, 9 [III, 21], 19).

The campaign of 82 was begun on both sides with increased resources and profound animosity. Sulla had secured Apulia, Campania and Picenum and was hoping to extend his power by guaranteeing to the Italian communities that citizenship which had been won from his opponents (p. 270). His glove was off and he made no secret of his intention to seize Rome. The revolutionary government also acted with vigour. Two extremists held the consulship, Cn. Papirius Carbo for the third time and C. Marius the younger. Large forces were raised in Etruria and Cisalpine Gaul. Under the lax régime of Cinna the Samnites and Lucanians had been enjoying independence, and in dread of a Sullan victory launched their last attack against the lair of the Roman wolf. Heavy fighting took place in three theatres of war, in Cisalpine Gaul, in Etruria and Umbria, and in Latium. The progress made by the Sullan armies in Cisalpine Gaul aided the collapse of the Marian cause in Etruria and Umbria; and these successes helped Sulla to maintain the blockade of Praeneste against the fury which later spent itself at the Colline Gate.

Early in the year, after a bitter winter, Sulla set out to seize Rome. Marching from Campania up the Via Latina he encountered Marius in the upper valley of the Trerus between Signia and Praeneste and engaged him at Sacriportus[1], possibly near the junction of the Via Latina and the Via Labicana. The Marian troops after heavy losses broke; many surrendered on the spot; the survivors fled to the fortresses of Norba and Praeneste. So vigorously did Sulla follow up his victory that thousands of fugitives were massacred before the walls of Praeneste, and Marius himself barely escaped into the city. Leaving Q. Lucretius Ofella to reduce Praeneste by blockade, Sulla secured all the approaches to Rome and entered the city unopposed. Meantime Marius had imitated the ferocity of his father. Realizing that Rome was lost, he ordered the *praetor urbanus* L. Junius Brutus Damasippus before evacuating the city to put to death the most notable men of the other party. Among the victims of this atrocity were L. Domitius, consul in 94, and Q. Mucius Scaevola, Pontifex Maximus. After making some temporary arrangements to secure the city, Sulla marched into Etruria to oppose Carbo.

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[1] The meaning and location cannot be determined. The *Torre Piombinara* or *Pimpinara* near Segni railway station is supposed (without good reason) to mark the site. See *Pap. Brit. School at Rome*, I, p. 280 and V, p. 422.

In northern Italy the insurrection in Picenum supported Metellus and Pompey in an offensive against Carbo and his generals Carrinas and Censorinus, whose base was Ariminum. Metellus defeated Carrinas at the Aesis, the northern boundary of Picenum. Carbo came up and checked him temporarily, but on hearing of the defeat of Marius at Sacriportus fell back upon Ariminum. During his retreat he sustained severe loss at the hands of Metellus and Pompey; not only did five cohorts desert to the former, but the latter cut up his cavalry and captured Sena Gallica. Thus the old *ager Gallicus* fell to Metellus. Carbo then left for Etruria to oppose Sulla, and Norbanus from Capua took over the command in the Po valley.

In Etruria and Umbria the Marians fought stubbornly but with scant success. Sulla invaded Etruria in person and soon established communications with Pompey and Crassus who had penetrated into Umbria from Picenum. The left division of his army was victorious at Saturnia; the right division encountered Carbo in the valley of the Clanis and crushed the feeble resistance of his Spanish cavalry. There followed a long and desperate engagement near Clusium which though indecisive temporarily checked Sulla's advance. Near Spoletium Carrinas was heavily defeated by Pompey and Crassus and blockaded in the town. He himself escaped under cover of storm and darkness, but a relieving army sent by Carbo was ambushed on the march by Sulla with the loss of 2000 men.

Meanwhile a decision was quickly reached in the valley of the Po. M. Lucullus was besieged at Placentia but in a *sortie* crushed his opponents. When Norbanus threw his troops, fatigued by a day's march, against Metellus at Faventia he was utterly routed; only 1000 survivors from a large army returned to Etruria. Finally, a Lucanian legion deserted and its commander Albinovanus treacherously murdered all the Marian commanders, save

Norbanus, before joining Sulla. The loss of Ariminum completed the collapse of the Marian cause; Metellus was supreme between the Apennines and the Alps; Norbanus fled to Rhodes and committed suicide. In Etruria, however, the Marians still had large forces in the field under Carbo. But the news of the loss of Cisalpine Gaul and the failure of the attempts, presently to be described, to relieve Praeneste broke the nerve of Carbo who fled from his camp and embarked for Africa. Part of his abandoned troops were destroyed by Pompey, the remainder dispersed. Isolated towns, like Volaterrae, still resisted but the bulk of the Sullan forces in Etruria were set free for service nearer Rome.

We have seen that Q. Lucretius Ofella had been left by Sulla to reduce Praeneste. The strength and the strategic importance of this fortress explain the desperate struggles which are the story of the siege. Since Sulla contrived to defeat the repeated attempts of the Marians to raise the siege it is in the opinion of the present writer very probable that his impregnable blockading lines extended over the whole of the broad pass between the spur of the Apennines upon which Praeneste stood and the north-eastern extremity of the Alban Hills[1]. Appian[2] indeed says that trenches were dug and blockading walls erected at some distance from the city itself. As relief by way of the mountains behind the citadel was out of the question, it was sufficient for Sulla to block the approaches on the remaining sides. Four unsuccessful attempts at relief were made. First, Censorinus with eight legions was sent by Carbo, but he was defeated by Pompey in Umbria and his army melted away. A more determined venture was made from another quarter. Seventy thousand troops, mostly Samnites under Lamponius, Pontius of Telesia and Gutta of Capua advanced from the south-east but could not break through the position. Then Marius tried to co-operate by making a sally and erecting a large fort between the city and Ofella's lines. But he could not gain his end. Next, Carbo dispatched two more legions from Etruria under Damasippus. 'But not even those could pass the narrow place (τὰ στενά), guarded as it was by Sulla[3].' Upon Carbo's flight to Africa Carrinas, Censorinus and Damasippus joining forces with Lamponius, Pontius and Gutta made a last desperate attempt to break through. Repulsed, they flung themselves against Rome. Leaving Ofella to hold his lines, Sulla marched post haste to save the city and during the afternoon of 1 November 82 B.C. launched his wearied troops against the enemy outside the Colline Gate.

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[1] *Journal of Philology*, XXXV, 1919, pp. 1–18.

[2] *Bell. Civ.* I, 88, 402.

[3] *Ib.* I, 92, 423.

For long the issue was in doubt. The left wing which Sulla commanded in person was driven back upon the city wall; the gates were closed; and fugitives bore to Ofella the news that Sulla had fallen and Rome was lost. But on the right wing Crassus prevailed and pursued the enemy as far as Antemnae, thus enabling Sulla to recover. The surrender of a division of the enemy, who immediately turned against their comrades, put an end to the struggle. Perhaps the most ghastly scene of all was reserved for the third day after the battle when a meeting of the Senate in the Temple of Bellona was disturbed by the massacre in the Villa Publica of the Samnite captives, three or four thousand in number, including Carrinas, Damasippus and Pontius.

The Battle of the Colline Gate sealed the fate of Praeneste also. When the tokens of Sulla's victory, the heads of Carrinas and other leaders, were thrown into the city, the garrison surrendered to Ofella. Marius, when endeavouring to escape through one of the drain passages beneath the city, was captured and killed himself; most of the survivors were herded together and executed; the city was given over to pillage. In the main the war was over. Resistance was still offered in Samnium and Etruria, but elsewhere Italy awaited the pleasure of her conqueror.

Fifty-one years had passed since the sword began to play a decisive part in Roman politics, and it was by the sword at the outset that the victor of the Colline Gate sought to make his victory doubly certain. Thrice in seven years Rome had been the scene of political murder: the violent end of Sulpicius had been avenged by the massacres of the elder Marius, and in his turn Marius the younger had not shrunk from the slaughter of his opponents in and around the Senate House. But in the proscriptions of Sulla Italy endured the consummation of her sufferings. The execution of the captured Marian leaders and the butchery of the Samnite prisoners were followed by continual murders in the city, clearly with the approval of Sulla. It seemed that submission was not enough. At length one of his own partisans questioned him in the Senate as to his intentions. His response was the issue of a series of proscription lists, by which he outlawed all who had in any public or private capacity aided the cause of his opponents. It goes without saying that, apart from those senators who had sympathized with Marius and Cinna, the equestrian order, which had persistently opposed the nobles, was visited with Sulla's special hatred. Rewards were offered to those who murdered or betrayed any of these outlaws, and those who befriended or concealed them were liable to the severest penalties. The property of the victims was forfeited, and their sons and grandsons were excluded forever from office and from the Senate.

From the slaves of the proscribed Sulla selected and manumitted more than ten thousand of the youngest and strongest. Known as *Cornelii*[1] these men were potentially a standing army for employment in the capital and as *instrumenta imperii* corresponded to the garrisons of veterans who served his interests in Italy.

Although it was said that 4700 names were recorded in the lists, we can have no accurate knowledge of the total number of the victims. The innocent perished with the guilty, as the worst elements in the population seized the opportunity of enrichment, of gratifying personal grudges, and of securing indemnity for past and license for contemplated crimes. However little Sulla may have been moved by personal rancour against the mass of his victims, the house of Marius was indeed visited with fearful vengeance. The ashes of the victor of Aquae Sextiae were disinterred and scattered in the Anio, the monuments of his triumphs over Africans and Germans were overthrown, his adopted nephew, M. Marius Gratidianus, a popular figure who had twice been praetor, was dissected piecemeal as an offering to the shade of Catulus. These atrocities were not confined to Rome; they must have been repeated in country towns wherever the opportunity of legalized murder or confiscation presented itself. Side by side with these proscriptions went the punishment of whole communities who resisted even after the Colline Gate. Fire and sword were at work in Etruria; Samnium was laid waste, Aesernia being left in ruins. This reign of terror was never forgotten by the Romans. Whenever it seemed possible that some commander with a victorious army at his back might seize the government, there arose the fear that the horrors which had followed the Colline Gate might be repeated. Few of the letters of Cicero written early in 49 B.C. fail to testify how deeply the terror of the *Sullanum regnum* had bitten into the imagination of his fellow-citizens.

V. POMPEY AND THE MARIAN REMNANTS

In Italy Sulla was now undisputed master, free to proceed at once with his work of political reform; but in various outlying regions armies in the Marian interest were still at large, any one of which might form the centre of dangerous insurrection. Sardinia, which had been held by Q. Antonius Balbus, was occupied in 82 B.C. by the wily L. Marcius Philippus, whose allegiance to the Sullan cause was now above suspicion: Spain, whither C. Annius Luscus had been sent to suppress Sertorius, was about to become the scene of a protracted struggle which is described elsewhere (see pp. 318 *sqq.*): and, finally, Sicily and Africa had given harbour to large numbers of fugitives from the vengeance which in Italy was now inevitable. The recovery of these two provinces, the western granaries of Rome, was a matter of special urgency, and for this purpose Sulla selected the young Pompey, whose services since Sulla's return had won complete forgiveness for his earlier aberration in the camp of Cinna[1].

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[1] Appian, *Bell. Civ.* I, 100, 469. See also *C.I.L.* I^2, 722.

Late in 82 B.C. or early in the following year Pompey, with the Senate's support[2], was given praetorian *imperium*[3] and instructions to expel the enemy from Sicily. The island was in the hands of a violent Marian—M. Perperna, son of the consul of 92 B.C.; and to his army was added a fleet brought up from the Marian base in Africa by Carbo, who had betaken himself thither after the defeat of Clusium and the failure of his efforts to relieve Praeneste. But Sicily proved an easy prize. Perperna himself rapidly disappeared, to be heard of next in the train of M. Aemilius Lepidus after the death of Sulla: M. Brutus, a praetor of 88 B.C. who was now acting under the command of Carbo, was surrounded on an expedition of reconnaissance by the ships of Pompey and forthwith fell upon his sword: and Carbo himself, caught in the island of Cossura (Pantellaria), was put to death after long formalities by the general who now began to earn from his enemies names like 'adulescentulus carnifex'[4]. Nevertheless, if the somewhat biassed testimony of Cicero may be believed[5], in his dealings with the Sicilian cities Pompey showed notable moderation, and by the autumn of 81 B.C. order had been so far restored that he could cross to Africa for the second and more arduous phase of the undertaking.

The history of affairs in Africa during the eastern campaigns of Sulla is wrapt in obscurity. It appears[6] that Metellus Pius had taken refuge there for a time, but that he was supplanted in the control of the country by a certain C. Fabius Hadrianus, of the Marian persuasion, whose behaviour to the Roman citizens in the province was so oppressive that he was finally burnt alive at Utica in his own *praetorium*[1]. Fabius was followed by Cn. Domitius Ahenobarbus—a son-in-law of Cinna[2]—who collected a considerable force in the peninsula to the east of the Gulf of Carthage and drew a certain amount of support from the Numidian region[3]. He is said to have found an ally in one Iarbas, who had ejected Hiempsal, son of Gauda, from his kingdom to the west of the Roman province, and it is possible that the party was joined by another potentate, named Masinissa[4], whose principality lay beyond that of Iarbas in the direction of Mauretania. Thus the recovery of Africa promised to demand military operations on an extensive scale, and Pompey accordingly set sail with 120 warships and 800 transports carrying six legions. The army was landed in two divisions at Utica and Carthage, and immediately it was swelled by the desertion of 7000 men from the enemy. Against this formidable attack Domitius could still muster a force of 20,000. But he was outnumbered; and, when the inevitable battle came, he was crushingly defeated and killed. After the victory Pompey did not take long to establish the authority of his government throughout the province, and thence he passed westward to Numidia. At this point help appeared from Mauretania, whence Bogud, son of the king Bocchus, led an expedition which caused Iarbas to take refuge in Bulla Regia. Bulla soon fell to Pompey, who put Iarbas to death and restored Hiempsal to the Numidian throne. There followed a general settlement of Numidian affairs, at the end of which Pompey returned to Utica having won back Africa for Sulla after a campaign marked by that rapidity for which later he became famous. According to Plutarch the whole business was over in forty days.

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[1] For the interpretation of Plutarch, *Pompeius* 5–6, 2 and Dio, frag. 107, 1, see E. Wiehn, *Die illegalen Heereskommanden etc.*, p. 67 *sq.*, and the works there mentioned.

[2] Livy, *Epit.* 89.

[3] Licinianus, p. 31 F. On the rare *aureus* with the legend MAGNVS (obv.) PRO COS (rev.) see *B.M.C. Rep.* II, p. 464, n. 1, and Volume of Plates iv, 2, *g*.

[4] Val. Max. VI, 2, 8.

[5] *de imp. Cn. Pompei*, 21, 61.

[6] Livy, *Epit.* 84.

At Utica Pompey received orders from home which ill requited his achievements. He was to disband all his legions but one and to wait till his successor in the command of the province should arrive, which meant that he was to be denied the honour of a triumph. The result of this was such burnings of heart among the troops that Pompey was in some danger of being forced into open revolt; but in the end he took the less enterprising course and so spared both Italy and Sulla what would have been a struggle of some severity. Nevertheless, in spite of the dictator's reluctance and though he himself had held no magistracy, his own insistence and the pressure of his supporters finally, after long intrigues, won the concession of a triumph, and with its celebration on 12 March in a year which was probably 79 B.C. (though 80 B.C. is possible) the African episode was at an end.

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[1] Cicero, II *in Verr.* I, 27, 70: cf. Pseudo-Asconius *ap.* Stangl, II, p. 241.

[2] Orosius V, 24, 16.

[3] See above, Map 5.

[4] *de viris ill.* 77, 2, on which see S. Gsell, *Histoire ancienne de l'Afrique du Nord*, VII, p. 282.

VI. THE SETTING OF THE SULLAN LEGISLATION

With the Battle of the Colline Gate and the final establishment of Sulla's supremacy, sanity returns to Rome and her history becomes once more a subject fit for study. The convulsions of the last ten years had brought a new Rome into being, and its birth created problems whose solution would call for courageous reform. Daring and ability were necessary qualities in the man who would re-organize the State, and besides these he must have the means to translate his programme into action. The melancholy example of the Gracchi gave warning that statesmanship was futile if it relied on votes alone: nothing but armed force could uphold the man who undertook a task of such magnitude as that which now confronted Rome. There could be no doubt that Sulla was the one man living whose authority enabled him to face the work with confidence. By the fourth of his five marriages—to Caecilia, daughter of Metellus Delmaticus and widow of M. Aemilius Scaurus—he was connected with the most powerful elements in the State: of his ability it will be time to speak when his achievement has been surveyed.

His character, however, deserves some passing notice. Good looking and with a merry wit, in the days of his humble youth Sulla had drunk deep of the more sensuous pleasures. At dinner he was the best of company, and the vivacity of his surroundings was never marred by any squeamishness in his choice of friends. To the end he lived hard. When the golden hair had lost its sheen and gouty patches blotched the pale complexion, in his leisure hours he still remained faithful to the companions of other days. Sulla was a voluptuary at heart, with a cynic's contempt for the importance of human affairs. Nevertheless, they mattered enough to bring him into public life; and in public life the *bon viveur* became an altogether different being. There he was all efficiency. Whatever may be thought of the ends for which he chose to work, there can be only one opinion about his handling of the means. With a ruthless determination which made his name a byword for brutality he went on his way, crushing the opposition of friend and foe alike. The Marians were assured that, if any of them had been omitted from the lists of the proscribed, the omission was an oversight soon to be repaired; and, if any of his own party thought to trespass on the dictator's obligations for service in the past, the fate of

Ofella served to remind them that his will was only to be thwarted at their peril (p. 285). Like a man whose supreme conviction is that death comes soon or late to all, he never allowed the lives of a few hundred of his opponents to stand in the way of his considered policy. Yet, for all the forbidding savagery of his methods, he inspired unyielding loyalty in vast numbers of supporters. Indeed, his epitaph, which he is said to have composed himself, adequately expressed his outlook when it proclaimed to posterity that men had never known a truer friend or a more remorseless enemy[1].

In ancient times, largely because Cicero disapproved of his ideals, Sulla's public policy was often misrepresented, and in modern days it has been frequently misunderstood. It is difficult to conceive an account farther from the truth than that which describes him as a narrow-minded soldier who, finding himself supreme, used his supremacy to impose on Rome a kind of government which happened to accord with his private predilections. Sulla was far more than a capricious despot: he was the child of his age, whose task was dictated to him by his predecessors and whose solution of it was moulded as much by circumstances as by his own volition. There were many problems which he essayed to tackle, but those of outstanding difficulty were two. Of these two one had its origin in the Social War, the other in the army reform of Marius.

The enfranchisement of Italy had produced a situation to which the Roman constitution could only be adjusted by thorough-going change. Even in the third and second centuries the constitutional development had so far lagged behind the expansion of the State that no stretch of the imagination could find in Rome that effective sovranty of the assembled citizens which the theory itself assumed. The citizen-body was spread over an area so wide that the voters able to be present in Rome could not claim to be more than a fraction of the whole. So the theory was tacitly abandoned, and down to the tribunate of Tiberius Gracchus such functions as the assemblies discharged had generally been controlled by the influence of a Senate whose prestige was overwhelming. But the Gracchi had wrought a change: their attempt to revive the latent independence of the Concilium Plebis, and their threat to the Senate's use of the tribunate as a weapon against demagogic legislation, raised afresh the question of the claim that the voters in Rome should be regarded as adequately representing the citizen-body as a whole[2]. Then followed the Social War, with results which changed the face of Italy. Henceforward, since the *civitas* was to cover the length and breadth of the peninsula south of the Rubicon-Macra line, this handful of voters who lived at Rome and were largely drawn from the lowest stratum of society proposed to manage the affairs of all Italy. The proposal was clearly preposterous: the fate of the country could not be entrusted to the contents of the 'sentina urbis.' Constitutional reform was needed to create a government which would do justice to the interests of all classes of the population—a government, therefore, which would be immune from the dictation of the urban mob. Such was the first and greatest task which Sulla was called upon to undertake.

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[1] Plutarch, *Sulla*, 38, 4.

[2] See pp. 8 *sq.* and 91.

The second, which arose from the military reforms of Marius, has already been reviewed (p. 136 *sq.*). The need for pensions in the form of land bound the legionaries to their commanders: it was the commanders who would have to initiate the necessary legislation, and even so its passage might call for the active support of the soldiers themselves. Thus it happened in the end that armies became devoted to their generals, and the ties which united them grew ever stronger until the general deprived the government at home of the first claim on the legionaries' loyalty. The result was a danger—with which none can have been more familiar than Sulla himself—that the State would remain permanently at the mercy of rival commanders. Struggles like those between Octavius and Cinna and between Cinna and himself would become chronic, unless some means could be devised of effectively subordinating the armies to a central control. If the Republic was to survive, Sulla must be the last Roman to capture Rome. To ensure this was his second task. It was a task in which he failed, and in which failure meant the collapse of his most ambitious schemes; but the fact that he addressed himself to its achievement is essential to an understanding of his place in history.

VII. SULLA'S DICTATORSHIP

When order was at length restored, Sulla's most urgent need was to secure a legal basis for his own position. It is possible that the Senate had already done something to validate his acts—the Peace of Dardanus is perhaps an instance—and had granted him indemnity for his less regular proceedings: we may conjecture, for example, that he was allowed to retain his *imperium* though he had entered the city. But all this looked towards the past: for the future Sulla must seek something more than the Senate was able to bestow. Of the two consuls, Carbo had been killed in Sicily and the younger Marius at Praeneste. Thus the auspices had 'returned to the Fathers,' and Sulla suggested that they should take the usual step of appointing an *interrex*. Their choice fell upon L. Valerius Flaccus, the Princeps Senatus, and public opinion seems to have expected that he would proceed to the nomination of suffect consuls. But Sulla, who for the moment had retired from Rome, thought otherwise, and took care to let his thoughts be known. What was needed was a dictator, appointed without limit of time, who would retain command until the ship of State had at length been brought to port. Inevitably the submissive *interrex* agreed. There was, indeed, no precedent for a dictatorship of indefinite duration, and there was none for the naming of a dictator by any but a consul: but Flaccus did all that could be done to give the new despot some semblance of legality. Though it had never been known for an *interrex* to propose a law, he went to the Comitia and introduced a bill to make Sulla 'dictator legibus scribundis et rei publicae constituendae'[1] and leave him to enjoy this office until his task was finished and it was his pleasure to resign. Cicero grudgingly admits that Flaccus was not a free agent on this occasion, but the Lex Valeria itself fills him with a fury of indignation, though whether sincere or feigned is far from clear.

The law does, indeed, deserve notice, not because of Cicero's objections but because it marks a slight development in the practice of the constitution and sets a precedent for Julius Caesar and the members of the 'Second Triumvirate.' Undoubtedly there were features in the episode which found no parallel in the past. The dictators of the early Republic had been chosen for the general purpose of carrying on affairs (*rei gerendae caussa*), and in those later cases during the fourth and third centuries, when they had been appointed to discharge some special duty, the duty was generally of a very minor kind: Sulla, on the other hand, had specific functions of a sweeping sort, which involved nothing less than the drafting of a new constitution[2]. This, however, was a point of small significance: the one important novelty in Sulla's case was the absence of any limit to the period for which he might retain his office. It was a novelty which, by itself, was enough to raise the fears of a nobility whose mastering desire was for the earliest possible restoration of oligarchical control: but their fears were not stirred by this alone. The part played by the People in Sulla's elevation was no less sinister. He was invested with his powers by a *lex rogata*, and the implication was dangerously plain. He was dictator by popular consent; his office was tenable without any fixed limit of time; and there was no compelling reason why he should retire until the support of public opinion was withdrawn. Sulla, in fact, was too near akin to the tyrants of Greece. His election postponed the oligarchical restoration to a date which none could foresee, and in that fact lies the explanation of the resentment felt in the circles from which Cicero's prejudices were derived.

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[1] For this phraseology compare Appian, *Bell. Civ.* I, 99, 462, and *Res Gestae Div. Aug.* I. Appian's accuracy here has been doubted by D. McFayden in *Papers in Memory of J. M. Wulfing*, p. 65.

[2] The use of 'constituere' in the sense of 'to organize, provide with a constitution,' is to be seen in Cicero, *ad fam.* XIII, 11, 3; cf. Bruns, *Fontes*⁷, 11, l. 22.

But there were further objections to the new dictatorship which others than oligarchs could urge. In reality it was not the early dictatorships so much as the Decemvirates of 451 and 450 which foreshadowed the office now conferred on Sulla (vol. VII, p. 459). In the time of the Decemvirs, as now, the need was for drastic changes in constitutional law, and on both occasions the constituent authority was given inappellable power of life and death. Whatever view be taken of the settlement which followed the fall of the Decemvirate, a measure to forbid the creation of officers from whose sentences appeal did not lie was both appropriate and desirable in 449 B.C.; and it was because Sulla, like the Decemviri, was to exercise autocratic powers over Roman citizens—and this for an unlimited time—that his position gave cause for reasonable alarm. So much may be admitted: but this is not to say that the Lex Valeria expressly authorized the proscriptions. Though it undoubtedly implied a general indemnity for such measures as Sulla might find necessary in the future for the proper discharge of his task, if not for such as he had already taken in the past[1], the vague suggestion of Plutarch[2] that the law empowered him to put his political opponents to death is discounted by the testimony of Cicero[3] that the proscriptions were the subject of a Lex Cornelia. Nor again is it likely, in spite of the definite assertion made by a Scholiast[4], that Sulla was encouraged in the Lex Valeria to do by edict what properly was done by law. Probability is in favour of the conclusion, with which none of the credible authorities disagrees, that the Lex Valeria was a simple measure: it created Sulla dictator, defined his task, and for the rest left him to his own devices.

When Sulla's position was established, the year 82 must have been near its end. His triumph over Mithridates was celebrated in January 81; and though both Livy and Appian mention this event after their account of his main legislative programme, it is clear that the bulk of his laws must have been passed in 81 and 80, even if they had been blocked out, and in some cases promulgated, in the last months of 82. The consuls for the year 81—M. Tullius Decula and Cn. Dolabella—were two creatures of the dictator, men of no importance or interest save for the circumstances of their appointment. It happened that, when the time for the election approached, the renegade Marian, Q. Lucretius Ofella, now fresh from his success against the younger Marius at Praeneste, was induced to put himself forward as a candidate. He hoped that his services to the cause would close Sulla's eyes to the fact that he was ineligible, not having been praetor or even quaestor. But Sulla would not consent. Ofella was ordered to withdraw; and when he refused, the dictator had him murdered in the Forum. Sulla was now the constitutionalist with a vengeance.

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[1] Whether the Lex Valeria did anything to supplement the indemnity for the past already granted by the Senate is uncertain: the only evidence—that of Cicero in *de lege agr.* III, 2, 5—is equivocal.

[2] *Sulla*, 33, 1.

[3] II *in Verr.* I, 47, 123.

[4] Schol. Gron. D. *ap.* Stangl, II, p. 314.

After this, though the proscriptions were far from finished[1], Sulla set about his task of reform. The chronological schemes of our authorities are so frail that it would be impossible to fix the order in which the legislation was carried, even if the order were historically important. Fortunately it is not, and the measures may best be taken in their logical sequence. The objects which Sulla set out to attain can be briefly stated. His first business was to stop the system whereby supreme legislative power, theoretically vested in the Magistrates and People, had in fact been wielded, so far as the popular element was concerned, by the urban proletariate which was in no sense representative of the body politic as a whole. This he attempted to do by subjecting the assemblies to strict control by the Senate. Secondly, all other organs in the government had to be protected against the danger of dragooning by the most powerful section of the executive—the governors of the provinces and other army commanders. Thus it falls naturally to consider first the measures taken to fit the Senate for the predominant position which it was henceforth to hold. Thereafter will follow the arrangements whereby its predominance over the assemblies was secured. And finally will come the plans designed to subordinate the proconsuls to the government at home. So much will complete a sketch of the new constitution, and all that will remain is the minor work of detail in various departments which was not essential to the main scheme of constitutional reform.

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[1] They appear to have ended officially on 1 June, 81: Cicero, *pro Roscio Amer.* 44, 128.

VIII. SULLA AND THE SENATE

In 81 B.C. the Senate was below its normal strength. Seven years before, its members had been noticeably few; but it is doubtful whether the recruitment then proposed by Sulla had ever been carried out, and it is certain that since 88 the House had sustained further heavy losses. After the last census in 86, besides deaths from natural causes, there had been the inevitable casualties of the Civil War, and on top of these had come the proscriptions. Sulla himself is said by Appian with some precision to have been responsible for the ends of a hundred and five senators. But now there was need of a Senate even stronger than it had been immediately before the outbreak of the Social War. If it was properly to fill the rôle for which Sulla meant to cast it, the House must contain all the ability which could be made available and must be so constituted as to reflect every shade of responsible opinion. The proposal for an addition of three hundred new members was accordingly revived; and it was carried into effect with a broad-minded liberality which not even the malice of Sallust can disguise[1]. With a wisdom for which he is not always given credit, the dictator broadened the basis of senatorial authority by including in the House a selection of that affluent and ambitious class which had been the head and inspiration of the opposition since Gracchan times.

But this was not all. By an ingenious innovation, on which the most diverse interpretations may be put, Sulla provided for future recruitment by an arrangement which enabled him to set the censorship aside. Ever since the Ovinian plebiscite (vol. VII, p. 818) curule magistracies had conferred on their holders a claim to enrolment in the Senate, and since the dictatorship of M. Fabius Buteo in 216 B.C. tribunes and quaestors had been allowed some hope of a place. Thus the principle of indirect popular election had long been known; but hitherto it had always been qualified by the presence of the censors. The discretion of the censors was large, and despite all precedents and instructions its exercise was hampered by nothing but the necessity of finding some plausible reason for departure from the normal practice. But now, by a law of which a fragment is still preserved[1], Sulla raised the numbers of the quaestorian college to twenty and enacted that these twenty quaestors should automatically pass into the Senate and so provide that regular supply of recruits needed to make good the wastage caused by death. Thus for the maintenance of the Senate the censors were no longer necessary; and, since they had been prone to use their powers on the strictest interpretation of the principles which the Optimates upheld, their deprivation of this duty might be hailed as a democratic measure designed to free the principle of popular election from its only trammel.

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[1] Though Sallust (*Cat.* 37, 6) and Dionysius (v, 77, 5) make the usual allegation that the new senators were men of no distinction, drawn in some cases even from the rank and file of the legions, it is abundantly clear from the result that Livy (*Epit.* 89) and Appian (*Bell. Civ.* I, 100, 468) are nearer the truth in saying that they came from the 'ordo equester.'

But, if this was a move in the direction of what passes as democracy, the risk it involved was small. Though the authority of the Senate might be increased by the fact that its members all held their places thanks to the suffrage of the People, the People was very far from being invested with the powers hitherto wielded by the censors. Its freedom of choice was severely limited by the necessity of selecting from a body of men who had yet to enter serious public life: they were little better known to the electors than the average parliamentary candidate of modern times, and the choice of those who could contribute most effectively to the discussions of the Fathers was made almost impossible by the lack of evidence for their qualities. But there was another aspect of the matter. Censors could admit to the Senate men who had made a name after that time of life at which they would have been prepared to hold the quaestorship and to start on the *cursus honorum* at that steady pace which alone the *lex annalis* allowed. Such people, making a career by their merits, were of the type from which Sulla had much to fear, and to them the censors' aid might prove invaluable. This was one of the reasons why, when Sulla had taken the recruitment of the Senate out of the censors' hands, its restoration became a plank in the platform of the *populares*[2]. Nevertheless, his attack on the office may well have made a wide appeal[3], and it was perhaps only the lack of censors between 86 and 70 B.C. which opened the eyes of certain classes to their value.

The Sullan Senate calls for careful notice. On it the dictator built his hopes; but it was not that Senate which had so lamentably failed in the recent past. Hitherto the class from which Gaius Gracchus drew his jurors had been in bitter opposition: now it was strongly represented in the House. Hitherto, though the results of popular election guided the censors' choice, in its immediate constitution the Senate had been imposed on the People from above: henceforward, since they alone were to be responsible for its recruitment, the People might be expected to accept its judgments with something less than the reluctance of the past. There is even a suggestion in Appian that the three hundred members enrolled by Sulla were chosen with the People's help; and, though it is not to be supposed that an assembly was allowed to make a free selection of three hundred from a longer list, it is by no means improbable that Sulla tried to invest his nominees with the authority of popular consent by submitting his candidates, either singly or together, to the approval of the People by vote. Whatever be the truth about this, it must at least be admitted that by increasing the numbers of the House and by destroying the arbitrary influence of the censors on its composition, Sulla brought the Senate into closer relation with the Populus as a whole: and, whether his attempt was successful or not, the scheme can claim the whole-hearted admiration of so staunch a *popularis* and so stern a critic of Sulla as Cicero himself[1].

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[1] Bruns, *Fontes*⁷, 12.

[2] Cicero, *Div. in Caec.* 3, 8.

[3] Cicero, *loc. cit.*; Pseudo-Asconius *ad loc.* (Stangl, II, p. 326.)

The uses to which Sulla put the Senate thus reinforced must be reserved for later notice; but here it may be observed that he did not fail to provide that increased opportunity for the reward of public service which the increased numbers of the House required. The colleges of the pontiffs and augurs, which had remained unchanged since the Lex Ogulnia of 300 B.C. (vol. VII, p. 427), were both enlarged. Each for the future was to have fifteen members and, by a repeal of the Lex Domitia of 104 B.C. (p. 163), Sulla ordained that these members should be chosen by the ancient principle of co-optation unqualified. The first occupants of the new places thus created were drawn from the brilliant band of young hopefuls by whom the dictator soon found himself surrounded.

IX. THE *LEX ANNALIS*

With the Senate thus strengthened to face the tasks to come, Sulla's next business was to secure its position against demagogic attack. There must be no repetition of the Gracchan episode: somehow or other a means must be found to prevent reckless politicians from running amuck on the backs of a venal proletariate which masqueraded as the sovran People. There is something to be said for the view that the most valuable of Sulla's expedients to confirm the restraining influence of the Senate over the assemblies was the reform, discussed above, whereby the Senate was made a body recruited by popular election. But though this fact might well affect the attitude towards the Fathers taken by citizens of responsibility, it was idle to expect that so subtle a change would fill the worthless mob with a respect for senatorial influence strong enough to outweigh the attractions of promises made by the unscrupulous victims of personal ambition. Something more was needed to thwart the threat of irresponsible legislation.

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[1] *de legibus*, III, 12, 27.

In the early centuries of the Republic the making of a law had required the co-operation of the Senate, the People and a magistrate, but by the Lex Hortensia of 287 the Senate had in theory been eliminated. Nevertheless, the legislative independence of the People still remained trammelled by the necessity of securing a magistrate to introduce a bill before the assembly could give its vote, and herein Sulla found an opportunity which in a full democracy he would have been denied. Thanks to the necessity for magisterial initiative, if he could bring the magistracy under senatorial control, he might curb the licence of the legislature without changing the constitutional powers of the assemblies or altering their composition so as to deprive the less substantial citizens of the franchise. We are not told that Sulla in his dictatorship revived the measure of 88 which gave the Senate a general right of veto against bills before their submission to the People; and it is unlikely that he did so. During the survival of Sulla's constitution, and particularly in 75 B.C., there are signs of consular laws for which it is difficult to believe that the agreement of the Senate as a whole had been forthcoming. The method to which Sulla pinned his faith was different. If periods of civil war be excepted, consular legislation had not been dangerous in the past: indeed the consulship, save perhaps during the predominance of Marius, had given singularly little cause for alarm. In normal times, which Sulla seems to have assumed would in future be unbroken, the consuls had been so loyal to the Senate that the dictator was content to leave them almost as much liberty as before. So far as they were concerned, his only precaution was to deprive them of a certain obvious temptation to pander to the rabble. The rewards of popularity took the form of office, and if office were made a rare and ephemeral incident in a man's career, he would be the less inclined to cultivate the affections of those by whom office was bestowed. Accordingly Sulla had recourse to a revision of the *lex annalis*.

The Lex Villia of 180 B.C., about which our information is lamentably defective, seems to have done no more than form the quaestorship, praetorship and consulate into an ordered *cursus*, wherein each stage was a necessary preliminary to its successor, and demand a minimum interval of two years between one office and the next (vol. VIII, p. 376). The result of this arrangement, if ten years' military service was required in candidates for the quaestorship, was in effect to prevent men from holding the quaestorship before the age of twenty-seven, the praetorship before thirty and the consulate before thirty-three: and, in the cases of those who held the curule aedileship, these minimum ages would be increased by three years for all subsequent offices. Sulla kept the essence of these rules but changed the details. Henceforward no man could hold the consulship until he was at least forty-two, the praetorship until he was thirty-nine and the quaestorship until he was thirty[1]. Thus two ends were achieved. Men could not rise to office of influence until they had reached years which should bring discretion and, secondly, since quaestors now passed automatically into the Senate, men would be members of the House for eight years at least before they could attain the praetorship—the first office which gave its holder power to do serious harm. By that time they might be expected to have gained some acquaintance with the conduct of public affairs and to have assimilated something of that political sobriety which was the best characteristic of senatorial tradition.

But this was not enough: the lure of repeated consulships such as Marius had held must be destroyed. By a measure which Livy assigns to the programme of L. Genucius in 342 B.C. (vol. VII, p. 529) but which is more probably to be regarded as a sequel to the introduction, fifteen years later, of the system by which *imperium* was prorogued, magistrates had been prevented from holding any office for a second time until ten years had elapsed since the end of their first period; and this enactment, which obviously affected the consulship most of all, was followed up somewhere in the middle of the second century by a categorical rule that no man might be consul twice (vol. VIII, p. 376). So far as we know, neither of these laws had been repealed, though exemptions from both had been granted to Scipio Aemilianus in 135 and though both had been flouted by Marius and Carbo.

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[1] The comparatively copious evidence which shows that thirty was the normal minimum age required for the quaestorship during the Ciceronian period will be found collected by Mommsen in the *Staatsrecht*, I^3, pp. 570 *sqq.* The passage which leads Mommsen to the conclusion that Sulla required quaestors to have passed their thirty-sixth birthday (Cicero, *de imp. Cn. Pompei*, 21, 62) is of very doubtful value, because it is uncertain whether the phrase 'ullus alius magistratus' includes the quaestorship or not: see *Dig.* 50, 4, 18, 2. For the evidence on the problems connected with the *leges annales* see K. Nipperdey, 'Die *leges annales* der röm. Republik' in *Abhandlungen der philol.-hist. Classe der Königl. Sächs. Gesellschaft der Wissenschaften*, V (1865).

Sulla seems to have repealed the second. It had been a dead letter since 105; and, rich in political ability as Rome might be, her resources were not so great that she could afford to employ her outstanding citizens in the highest magistracy only once in a life-time. The law, a monument of the fears which had seized the Senate when its own grip on affairs began to fail, was not likely to command the sympathy of Sulla, and he threw it overboard. But if repeated consulships were to be permitted for the future, there was to be no encouragement for aspiring imitators of Marius. The interval of ten years between a man's first consulship and his second was to be rigorously required, and the *lex annalis* of Sulla seems explicitly to have repeated the provisions on this point originally included in the law of the fourth century. Such were the simple means whereby Sulla sought to guard against the danger of subversive legislation passed by the Comitia with the help of curule magistrates. No man was to acquire the *ius agendi cum populo* until he had been steeped in senatorial tradition for at least eight years and had left his impetuous youth so far behind as to be verging on middle age. And, secondly, for all alike the temptation to curry favour with the masses was reduced by the knowledge that office, the only return which the People had to make, could come but rarely to a man who had once attained the consulship.

X. SULLA AND THE TRIBUNATE

The next problem was more difficult. During the last two centuries the tribunate had been so far transformed that its most frequent function was to serve as a weapon wherewith the oligarchs could block the passage of bills which they disliked (p. 26). Nevertheless, on the comparatively rare occasions when the tribunician powers had fallen into the hands of an able and enterprising opponent, the Senate had received a mauling far more severe than the worst outrages perpetrated by any curule magistrate, apart, at least, from those who had captured Rome by force. It was the tribunes who had revived the dormant sovranty of the People. To meet this very urgent menace Sulla adopted a simple expedient. Again avoiding an infringement of the Plebiscitum Duillianum (p. 208), he enacted that election to the tribunate should permanently disqualify a man from holding any other office; and we may assume on the strength of Appian's testimony that, if iteration of the tribunate itself was not forbidden, re-election was only allowed after the lapse of the ten years' interval required in all other cases. The object of these arrangements is plain, though it has not always been observed. By cutting off tribunes from all hope of curule office Sulla was in fact trying to kill the tribunate. If people believed that his regulations would endure, as he himself undoubtedly intended them to do, no man of ability and ambition would voluntarily commit political suicide by becoming tribune. The tribunate would either die for lack of candidates or else the office would fall into the hands of complete nonentities and thus become innocuous.

So much is enough to show that the restrictions imposed by Sulla upon the powers of such persons as might hold the tribunate in future are of less importance than has sometimes been assumed. Nevertheless, they achieved so great a notoriety that their removal by Pompey and Crassus in 70 B.C. was thought to mark the final collapse of the Sullan constitution; and for this reason they cannot be passed over in silence[1]. The right of the tribunes to rescue a member of the Plebs from the clutches of a magistrate (*ius auxilii ferendi*) remained intact[2], but, though the general power of veto (*ius intercessionis*) was not wholly abolished[3], prohibitions of its use in specific circumstances, of the type incorporated by Gaius Gracchus in the Lex Acilia[4] and in his own *lex de provinciis consularibus* (p. 64), were probably multiplied[5]. The tribunes also found their judicial functions at an end; but this was perhaps not so much the result of a desire on Sulla's part to curtail their powers as the inevitable consequence of his reform in the sphere of criminal procedure (pp. 304 *sqq.*).

The gravest doubts, however, are those which surround the most serious issue—that which concerns Sulla's attitude to the activities of tribunes in initiating legislation by the Concilium Plebis. There lay the danger of the tribunate to senatorial government, and it is a disaster that just at this point our evidence for Sulla's counter-measures fails. The Epitomator of Livy is explicit[6] —the tribunes lost all power of moving legislation (*ius rogandi*);

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[1] Whatever meaning Appian may have intended to convey by his language in *Bell. Civ.* I, 100, 467 (*καὶ οὐκ ἔχω σαφῶς εἰπεῖν εἰ Συλλᾶς αὐτήν, καθὰ νῦν ἐστίν, ἐς τὴν βουλὴν ἀπὸ τοῦ δήμου μετήνεγκεν,*) the passage is of no historical value: Appian himself admits that he is in doubt, and there is not the slightest reason to believe either that Sulla gave the Senate the duty of electing tribunes or that he made none but senators eligible for the office.

[2] Cicero, *de legibus*, III, 9, 22.

[3] Sallust, *Hist.* II, 21 M; Caesar, *B.C.* I, 5, 1; 7, 3.

[4] Bruns, *Fontes*^{7}, 10, l. 70 *sq.*

[5] Cicero, II *in Verr.* I, 60, 155.

[6] *Epit.* 89.

and a certain support for this view may be found in a vague phrase of Cicero's[1]. No certain case of legislative activity by tribunes is known during the age when the arrangements of Sulla prevailed[2], and there is nothing to compel the rejection of the Epitomator's story. On the other hand, it is conceivable that the Lex Plautia de reditu Lepidanorum was passed slightly before 70 B.C., and in that case, since this was almost certainly a tribunician bill, it would follow that the *ius rogandi* remained. If so, it was undoubtedly safeguarded by the provision that senatorial approval must be gained beforehand for any proposal to be submitted to the Plebs[3]. In either case the Epitomator is in all essentials right: the freedom of the tribunes in proposing legislation was gone, and the danger of a new Gracchus or Saturninus was, for the time being, at an end.

XI. SULLA AND THE ARMY COMMANDERS

Such were the devices whereby Sulla sought to protect the Senate against attacks from the curule magistrates and the tribunes: as the sequel will show they were not without success (p. 329). But in another direction there lay a greater peril, and here the precautions of the dictator proved less adequate. To complete a general sketch of the central features in the Sullan constitution it remains to consider the arrangements designed to regulate relations between the central government and the commanders of military forces abroad. This was the most vital task of all, as no man knew better than Sulla himself. Thrice within the last decade Rome had fallen to armed attack, and it was obvious that, unless a repetition of this military interference were made impossible for the future, the days of senatorial supremacy would be few. For the moment the Senate could rely on the sure support of Sulla and his troops, but, once this support was withdrawn, the arrival of a recalcitrant proconsul with his army at the gates of Rome would be instantly fatal. The Senate would either be compelled to submit or else would have to plunge the State into civil war by arming some rival marshal to oppose the first. Accordingly it was necessary at all costs to secure that no provincial governor should find himself tempted to march on Rome, and this end Sulla essayed to achieve by weakening the bonds which bound governors to the troops serving under their command.

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[1] *de legibus*, III, 9, 22—'...vehementer Sullam probo, qui tribunis plebis sua lege iniuriae faciendae potestatem ademerit, auxilii ferendi reliquerit.'

[2] On the dates of the Lex Plautia de reditu Lepidanorum and the Lex Antonia de Termessibus (Bruns, *Fontes*^{7}, 14), see Note 3 on p. 896.

[3] It appears from Sallust, *Hist.* III, 47 M., that the Senate had at an earlier date not been opposed to the principle embodied in the Lex Plautia. If it could be proved that the Lex Antonia de Termessibus was passed before the legislation of Pompey and Crassus in 70 B.C., the phrase 'd(e) s(enatus) s(ententia)' in the preamble would point to the same conclusion.

The evidence for the reforms which Sulla introduced is unfortunately for the most part circumstantial, but it is enough for the construction of an account which may be accepted, at least in outline, without much hesitation. Down to the time of the Social War provincial commands had been held by consuls and praetors both during the years in which they occupied these magistracies and in innumerable cases for a further period thereafter, during which they retained their *imperium* by prorogation[1]. From the time of Sulla onwards till 52 B.C., if commands which are clearly extraordinary be left out of account, it is rare for a consul, and unknown for a praetor, to be employed elsewhere than in Rome or Italy during his tenure of the magistracy itself: on the other hand, it is regular for ex-consuls and ex-praetors alike to govern a province in the year after their term of office in the city. Thus it appears that in the early part of the first century B.C. the distinction between magistrates and pro-magistrates became more definite: the former normally exercised their *imperium* at home, the latter in the provinces. It is by no means to be denied that a tendency in this direction had long been growing more pronounced, but probability is in favour of the view that Sulla carried the process on another stage. Apart from the conclusions which may be drawn from the provincial commands known to have been held in the years following 80 B.C., evidence that by 70 B.C. consuls were expected to pass on to a governorship abroad is to be found in Pompey's assertion that he would refuse to leave Rome for a province at the expiration of his consulship[2]; and this system may be traced back even to 76 B.C. or thereabouts, if the words put by Cicero into the mouth of Lucilius Balbus are true of the dramatic date of the dialogue in which they occur[3]. The indications are strong in their suggestion that on this point the Sullan age saw custom hardening into rule.

On the other hand, there is no reason to suppose that Sulla set up any rigid prohibition whereby consuls and praetors were debarred from military duties during their year of office, and that these duties were reserved for such magistrates in the twelve months immediately thereafter: instances to the contrary are too plentiful to be regarded as breaches of a categorical enactment, for the existence of which, it must be remembered, explicit evidence is altogether lacking. There is no need to search the history of the Ciceronian age: the ten years following the Sullan legislation provide material enough to show that the Senate was left with a wide discretion to continue the *imperium* of pro-magistrates and to bestow military commands on whom it would. First for some exceptional appointments. On two occasions the consuls took charge of armies: in 78 B.C. M. Lepidus and Q. Catulus were commissioned to deal with the trouble in Etruria (p. 315), and in 74 B.C. the Senate sent L. Lucullus and M. Cotta to fight Mithridates. Again, M. Antonius (Creticus) appears to have been praetor when he was appointed to face the menace of the pirates in 74 B.C.[1], and after the consuls of 72 B.C. had failed to make headway in their attacks on Spartacus, it was a praetor—M. Crassus—who was chosen to succeed them. Finally, the young Pompey twice received armies to command—in 78 B.C., perhaps as a subordinate of Q. Catulus[2], and secondly in 77 B.C. when he was certainly independent—though he had never held a magistracy of any kind at all: but it should be noticed that the new commission in Spain was offered in the first place to the consuls of 77 B.C. and only went to Pompey because they refused the task[3]. In these cases, however, the circumstances were to some extent unusual. The rising of 78 B.C. and the revolt of the slaves under Spartacus were not normal incidents in the life of Italy, the dispatch of Pompey to Spain came at a time when one ex-consul—Metellus Pius—was already there, the pirate war which occupied the attentions of M. Antonius made a quite special call on the resources of the government, and the Asiatic expedition of the consuls of 74 B.C. cannot have been unconnected with the bequest of Bithynia to Rome.

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[1] The attempt of Marquardt (*Staatsverwaltung*, I^2, pp. 518 *sq.*) to restrict this arrangement, so far as praetors are concerned, to the period after 122 B.C. is not wholly justified. See G. De Sanctis, *Storia dei Romani*, IV, I, pp. 504 *sq.* on the Lex Baebia de praetoribus.

[2] Vell. Pat. II, 31, I.

[3] *de nat. deor.* II, 4, 9.

These incidents show that the Senate could provide as it willed for emergencies of whatever sort; but, though the government of the comparatively peaceful provinces seems generally to have been in the hands of ex-praetors or ex-consuls according to the later practice, even here the commands were by no means all confined to a single year. The prolonged control of Cilicia by P. Servilius Isauricus may have been due to the same set of circumstances as led to the commission of M. Antonius; but the two years of

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[1] Vell. Pat. II, 31, 3.
[2] Plutarch, *Pomp.* 16, 1–2.
[3] Cicero, *Phil.* XI, 8, 18; Val. Max. VIII, 15, 8.

C. Cosconius in Illyricum[1] and the three during which Sicily suffered under Verres are not explained by any peculiar peril in the local situation. Thus it seems that Sulla in no way tied the Senate's hands. It was perhaps his ideal that praetors and consuls, having been occupied for a year at Rome, should pass at once to the provinces for another year and no more, but the exceptions to this practice are so numerous that Sulla cannot be supposed to have formulated it as a binding rule. Nevertheless, there is every probability that this was the direction in which he looked. The two Spains, the two Gauls[2], Macedonia, Asia, Cilicia, Africa, Sardinia and Corsica which went together, and Sicily made ten provinces in all for which governors had to be found, and it is significant that, by raising the praetorian college to eight (p. 299), Sulla secured that the number of praetors and consuls passing out of office at the end of each year should be the same as that of the provinces which these men were eligible to govern. Thus there would be one man available for every province every year, and provincial governorships would tend to become annual.

This was the end which, though he did not insist on an unbroken observance of the system—indeed, it would have been absurd to demand a yearly change of general in an important war—Sulla put it in the way of the Senate to attain. At the very least some sort of order would be introduced into the method of making these appointments: the State need no longer live from hand to mouth, leaving a governor in office year by year until someone could be found to take his place, but a due succession of qualified candidates would always be available. At best, if the Senate made the most of its opportunities, governors would leave their provinces after twelve months' control, and in that brief period they could scarcely find time to turn the troops under their command into a personal following, prepared to set loyalty to a leader before duty to the State. In that case something would have been done to diminish the menace of those great soldiers whom the Senate feared but could not do without.

If Sulla had been content with this, conjectures about his attitude to the proconsuls might reasonably be dismissed as idle speculation: but fortunately he went farther and gave expression to his views in a way which leaves no room for doubt. Since the *crimen maiestatis minutae* was invented in 103 B.C. (p. 160 *sq.*), the content of the charge had been largely left to the imagination of the prosecutor and the court: it was Sulla who first formulated the

[1] Eutropius VI, 4; Orosius V, 23, 23.

[2] On Cisalpine Gaul, see below, p. 301 *sq.*

offences which might legally be interpreted as treason. And he did more than this. The nature of treasonable action—action dangerous to society in its existing form—varies with the nature of the constitution: many of the crimes which under an autocracy are the most heinous form of treason cannot even be committed in a full democracy, and some which are possible in both cases differ greatly in gravity according to their constitutional setting. A constitution needs a sanction if its stability is in danger, and when the constitution is changed the sanction must be changed as well[1]. It was Sulla who made the *lex maiestatis* the sanction of the constitution of Rome, and from his time onwards a new constitution regularly brought with it a new treason-law: if we knew more about the measures on this subject passed by Julius Caesar[2] and Augustus[3], we should be less uncertain than we are about the nature of their constitutional ideals. Fortunately, though the text of the Sullan law is not preserved, Cicero records[4] the gist of some of its provisions, and therein is revealed one of the sources from which Sulla foresaw danger to his dispensation. For a governor to leave his province, to march his army beyond its frontiers, to start a war on his own initiative, to invade the territory of a [client] king without orders from the Senate and Roman People—these are the acts which, doubtless among many others, were made treason; and they are all of them acts which, if committed at all, would be committed by some ambitious proconsul whose subservience to the Senate was less complete than the Sullan constitution required[5].

Thus Sulla betrays his fears, and his betrayal is evidence enough that in the provincial governors he found a menace to his arrangements. And so it may be said in conclusion that the dictator, having dealt with the risk of revolutionary legislation at home, essayed to protect the Senate against its military captains, partly by encouraging the reduction of their commands to an annual tenure and partly by making the least sign of independence in such quarters a criminal offence. The Senate's need was great, for here lay the gravest danger; and the sequel will show that this was the side on which the defences raised by Sulla had their weakest spot.

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[1] See Cromwell's 'Act declaring what offences shall be adjudged Treason' of 17 July 1649, in S. R. Gardiner, *Constitutional Documents of the Puritan Revolution* (ed. 3), pp. 388 *sqq*.

[2] Cicero, *Phil.* I, 9, 23.

[3] *Dig.* 48, 4; cf. Tac. *Ann.* III, 24, 3.

[4] *In Pis.* 21, 50.

[5] To deprive governors of an obvious temptation, Sulla even seems to have made it an offence for them to stay in their provinces more than thirty days after the arrival of a successor (Cicero, *ad fam.* III, 6, 3).

Such is the outline of the Sullan constitution—an attempt to establish senatorial government on a sounder basis than before and to surround it with safeguards against its most formidable enemies. The Senate was to be recruited entirely by indirect election, without any possibility of interference from the censorship, and its personnel was strengthened at the start by a large addition of new members drawn from the prosperous commercial class. The curule magistrates were given time to assimilate the senatorial outlook before they rose to positions of serious responsibility, and obstacles were set in the way of men whose outstanding ability might seem to justify a peculiar speed in their ascent to the highest offices of State. In particular, the arrangement that ten years must elapse between a man's first tenure of the consulship and his second discouraged ambition altogether, more especially if a consulship did not normally carry with it the expectation of a provincial command of more than twelve months' duration. The tribunate was closed to men whose gifts entitled them to hope for a serious political career, and the effective power of such as were willing to hold the office at all was destroyed. Finally, the menace of the proconsuls was reduced by the suggestion that their commands should be confined to the space of a single year and by the insertion of clauses in the *lex maiestatis* designed to repress thoughts of disloyalty to the prevailing constitution.

XII. MINOR REFORMS IN DOMESTIC ADMINISTRATION

Besides strengthening the authority of the Senate by making it more representative of the best elements in the State, Sulla's enlargement of that body served to provide a greater number of men eligible for the highest posts in the administration. The scarcity of civil servants was a long-standing difficulty, and some of Sulla's own innovations had rendered the need more pressing. His reorganization of the criminal courts made serious calls on the praetorship, and his attack on the censorship, whether he contemplated this result or not, led to a suspension of the office which left several important functions to be transferred to other shoulders. For whatever reasons, there was an expansion of the magistracy. It has been seen above (p. 287) that the quaestors were increased to twenty, of whom, since eleven were normally employed on provincial service, rather less than half would be available for duties in the city; and, besides this, new members were added to the praetorship. Here, however, the extent of the additions is a matter of dispute. The praetorship as Sulla found it was still in all probability a college of six—the number which it had reached in 197 B.C. and retained, apart from the ephemeral changes caused by the Lex Baebia (vol. viii, p. 366), throughout the second century. In the Ciceronian age, before the dictatorship of Caesar, there is evidence enough to show that the praetors were regularly eight[1], and this is the number needed, with the addition of two consuls, to provide each of the ten provinces with a new governor every year. If eight was the normal number after Sulla's time, he would appear to have increased the praetorships by two, and this version of the change is almost certainly correct[2].

The eight praetors, except in the most unusual circumstances now wholly confined to work in Rome, had their hands adequately occupied by the demands of judicial administration, but they still occasionally found time to help the consuls with the business which the absence of censors soon threw on to other magistrates: thus it was that Verres and one of his colleagues came to be concerned with repairs to the Temple of the Castores[3]. In the first instance, however, it was the consuls on whom these duties fell, and the consuls are to be seen engaged in operations which suggest that they took over general responsibility for the work involved in the former *censoriae locationes*[4]. The tasks of the censors had grown so numerous in course of time that it is idle to ask in detail how provision was made for their discharge. Some, indeed, such as the recruitment of the *equites equo publico*[5], may have been left to the automatic working of a system as simple as that which fed the Senate from the quaestorship. Others had already lost their usefulness: as direct taxes had not been levied since 167 B.C. and conscription for the army had been abandoned in practice since 108 B.C., there was no compelling need for a general census of the citizen body.

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[1] Compare Cicero, *pro Mil.* 15, 39 with *in Pis.* 15, 35 for 57 B.C.; and see *ad. fam.* viii, 8, 8 for 51 B.C.

[2] The statement of the jurist Pomponius (*Dig.* I, 2, 2, 32)—our only explicit authority for Sulla's dealings with the praetorship—that he added four new praetors and so, presumably, raised the college to ten—is nowhere else confirmed, nor is it saved by the theory of A. W. Zumpt (*Röm. Criminalrecht* II, I, pp. 333 *sq.*) that Sulla allowed the Senate discretion to fix the actual number of praetorships at any figure between eight and ten inclusive to meet such needs as might arise from the creation of a new province. For this theory there is no adequate evidence relevant to the Sullan age.

[3] Cicero, II *in Verr.* I, 50, 130.

[4] *Ib.* III, 7, 18.

[5] See Mommsen, *Staatsrecht*, III, p. 48

Nevertheless, it is not to be supposed that Sulla's intention was for the censorship to be abolished. When the office was revived in 70 B.C. (p. 336), no repeal of legislation seems to have been required; and there is another consideration which suggests that the dictator contemplated that censors would be regularly appointed, after his time as before. Without a periodic census the Comitia Centuriata must rapidly become unworkable. Had he envisaged a system wherein censors had no place, he must either have looked to the consuls themselves to review the Centuries, as they had done in the early fifth century B.C., or else have reconciled himself to the certainty that the Centuriate Assembly would rapidly degenerate into a mere survival like the Comitia Curiata. Neither alternative is probable. The burden of the census would be a very heavy one, even for consuls now free from military calls; and it is difficult to believe that Sulla, who had shown his approval of the Centuries in 88 B.C. (p. 208) and who submitted to them his law depriving recalcitrant Italians of the citizenship[1] (p. 302), would have gratuitously acquiesced in the destruction of that Assembly which beyond doubt was most nearly in accord with his own political ideal. Many as were the functions which had passed from this body to the Comitia Populi Tributa or the Concilium Plebis, it was still the Centuries which performed the task—a task which under Sulla's arrangements was perhaps even more important than before—of electing consuls. Though it is certain that he took the composition of the Senate out of the censors' hands, the needs of the Comitia Centuriata combine with the complete silence of the authorities to forbid the conjecture that Sulls intended the censorship itself to fall into abeyance.

Little as we know of Sulla's views on the constitutional functions of the Roman People, scarcely more can be said about his social legislation. It is clear that recent wars in Italy and the East had produced a financial crisis, which it was the first business of a statesman to relieve. The measures taken by Sulla to raise revenue in Asia were drastic enough (p. 259 *sq.*), but they were not all. According to Appian[2], he exacted a forced levy of large dimensions on the whole Roman world beyond the frontiers of Italy, not even exempting States which had been granted *immunitas*; and, besides this, money was raised by the sale of political privileges for cash[3]. At the same time he took an obvious and attractive step to reduce expenditure: the public sale of corn to the Roman populace was

[1] Cicero, *de domo sua*, 30, 79.

[2] *Bell. Civ.* 1, 102, 475.

[3] Plutarch, *Comp. Lys. et Sullae*, 3, 2.

abolished[1]. But Sulla's interest did not stop at public economies: ill as it became a man of his peculiar tastes, he legislated at length against private extravagance. A limit was set to expenditure on food, the maximum cost of tombs and funerals was prescribed and, in the same optimistic vein, the dictator went on to deal with the public morals. To such futility even a man of Sulla's commonsense could stoop: but belief in the value of sumptuary legislation was a delusion which even the most enlightened minds of Rome rarely managed to escape.

XIII. SULLA AND ITALY

The final feature of Sulla's work at home is one which belongs rather to the changes which he wrought in the organization of Italy. He left a permanent monument to his achievements in an extension of the *pomerium*, the sacred boundary of the city which, according to the custom at this time observed, might be altered by none but those who had increased the Italian territory of Rome[2]. On the Adriatic side the northern frontier had probably been advanced from the Aesis to the Rubicon before the time of Sulla, but his change in the course of the *pomerium* is enough to show that he could somehow claim to have added to Roman soil. The enfranchisement of the Italians might have supplied the necessary title if Sulla could have claimed that work as his, but it is perhaps more probable that some rectification in the boundary inland or to the west was carried out in connection with his arrangements for the government of Cisalpine Gaul.

Since the early years of the second century, the *ager Gallicus* round Ariminum and the great stretch of country northwards to the Alps had normally been, like Italy itself, under the direct charge of the consuls and their subordinates. Such in general seems to have been the case so late as 82 B.C.[3]; but seven years later Cisalpine Gaul was clearly one of the ordinary provinces governed by ex-magistrates[4]. As Mommsen saw, this reform can scarcely have been due to anyone but Sulla. Cisalpine Gaul was the key to

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[1] This emerges from a passage of Licinianus (p. 34 F.) which appears to record a resumption of the *frumentationes* after Sulla's death.

[2] Seneca, *de brev. vitae*, 13, 8.

[3] Compare Cicero, II *in Verr.* I, 13, 34 with Appian, *Bell. Civ.* I, 87, 394–5; cf. *ib.* 66, 303 (87 B.C.). The view of E. G. Hardy (*J.R.S.* VI, pp. 65–8) that Cisalpine Gaul was provincialized in 89 B.C. is difficult to accept.

[4] Sallust, *Hist.* II, 98 d.M. The evidence of Sallust for 75 B.C. is confirmed by that of Plutarch, *Lucullus*, 5, 1, for the following year.

Italy: its unruly neighbours in the Alps made the presence of a garrison almost essential: and, if the consuls were to be purely civil administrators so long as they held the magistracy, they were well rid of the obligation to administer this military region in the north. Accordingly, Cisalpine Gaul became the tenth province of the Roman Empire, and such it remained until the time of Julius Caesar.

In Italy itself Sulla's work was of a more contentious kind. The claims of his veterans must be met—a task difficult to achieve without hardship to some part of the population; but in addition there were some old accounts to settle, and the dictator was not the man to let his enemies go without their due. It was a small matter, though one which caused much trouble in the future, that the descendants of those who had perished in the proscriptions lost not only their property but part of their citizen rights as well: more serious were the general expropriations of which Appian draws a lurid picture[1]. The promise to the Italians (p. 271 *sq.*) was honoured wherever it had been followed by loyal adherence to the Sullan cause, but to those whose resistance had continued no mercy was shown. Samnium was wellnigh devastated[2], and all over the peninsula those who backed the loser paid the price: such was the severity of Sulla's revenge that one city—Volaterrae—fought on till 80 B.C. and then was only reduced after a siege directed by the dictator in person. Fines were levied, property was confiscated and, in virtue of a most drastic law, whole communities lost the citizenship.

This remarkable enactment seems to have been directed chiefly against some of those who might otherwise have claimed the *civitas* under the legislation passed during the Social War; but the validity of this attempt to disfranchise citizens by law was open to grave objections, and, as we know from Cicero's speech on behalf of Aulus Caecina, it was finally admitted to be indefensible. Nevertheless, the troubles of Sulla's victims could not be ended by attacks, however successful, on the law which was their cause, and this for the sufficient reason that property set free by the resultant confiscations had been bestowed on Sulla's veterans, who were not men of the sort to be ousted with ease. The problem of finding pensions for the ex-soldiers who looked to Sulla for their livelihood attained dimensions never known before. The legions to be demobilized were variously estimated at twenty-three[3] or even more[4], which meant the provision of allotments for over a hundred thousand men[1]; and when this mass had once been established in the places vacated by the victims of confiscation, it was not likely to be uprooted by anything less than a defeat in civil war. On such land as he could set free by fair means or foul Sulla planted his veterans in colonies, of which at least fourteen are known. Not all of them were wholly new: in some cases the settlers lived side by side with the survivors of the old community, as in the familiar instance of Pompeii, where quarrels between the rival sections of the population supplied material for a charge against a *patronus coloniae*—Cicero's disreputable client P. Sulla, a nephew of the dictator[2].

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[1] *Bell. Civ.* I, 96, 445–8.

[2] Strabo, v, 249.

[3] Appian, *Bell. Civ.* I, 100, 470.

[4] Livy, *Epit.* 89.

Such were the means by which Sulla paid his debts to the men whose loyalty had been the foundation of his success. For the moment, at the cost of much hardship to the people of Italy, his troops were satisfied; but the evil results of the social upheaval caused by their appearance were widespread and enduring. If Sulla intended them to form garrisons which would uphold the new constitution, his hopes were soon belied. Unyielding as was their devotion to Sulla himself, their enthusiasm for his friends was mild: the Senate was not a body which could stir the emotions of such men as these, and before long they were to be found among its most formidable opponents. Of the copious evidence for their fall from grace it will be enough to recall the fact that at the time of the Catilinarian affair the leaders of the discontent could rely for backing, not only on the victims of the Sullan confiscations, but also on the majority of the veteran settlers who, in the course of less than twenty years, had drifted into bankruptcy and were now yearning to repair their shattered fortunes with the plunder of another civil war (p. 492). These nests of violence and sedition were the monument which kept green the memory of Sulla on the Italian countryside, and it is no matter for surprise that the name of their founder soon came to be held in detestation.

The claim that the dictator's work in Italy contained other more beneficent provisions cannot be admitted. Though the veteran-colonies were doubtless given charters in the form of *leges datae*, there is nothing to show that, either for these or for the Italian communities lately incorporated in the Roman State, Sulla provided anything in the nature of a standard constitution. It is not to be denied that, thanks to the enfranchisement of the allies, the attention of Roman statesmanship was called to the problems of municipal organization; but the suggestion that the Sullan legislation included a general *lex municipalis* is as ill-founded as the view that Cinna was responsible for such a measure, or the conjecture that regulations of this kind were to be found in the laws whereby the *civitas* was extended to the Italians during the Social War.

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[1] Appian, *Bell. Civ.* I, 104, 489.

[2] Cicero, *pro Sulla*, 21, 60–62.

XIV. SULLA AND THE ADMINISTRATION OF THE CRIMINAL LAW

There remains what was to be the most abiding of Sulla's achievements—his reforms of the clumsy and obsolescent method whereby criminal cases had hitherto been tried. Such changes in the law as Sulla introduced will be considered elsewhere (pp. 876 *sqq.*): here it is enough to notice his changes in procedure. The existing arrangements bore many signs of their origin in days when Rome was still a small community, whose citizens could make all public business their own. In trials of a criminal nature, where punishment rather than reparation was sought, the exercise of the magistrate's *imperium* was hedged about by safeguards which demanded the intervention of the People. Judicial cognizance of an alleged crime might in theory be taken by any magistrate. The consuls and their quaestors might be expected to deal with the most serious: the praetors, though their main occupation was with civil suits, were not debarred from criminal cases: even the aediles, for all their lack of *imperium*, were invoked to take charge of minor offences where the penalty was at most a fine: and finally there were the tribunes, who in the great age of the Republic had ousted even the consuls and had appropriated to themselves, with general approval, the duty of proceeding against all grave malefactors whose supposed offences had any kind of political significance.

Yet by the second century B.C. all these magistrates and officers had been reduced to little more than prosecutors: they were no longer competent judicial authorities, because, though their right of passing judgment was unimpaired, their power of immediate execution was rendered almost negligible by the series of laws on *provocatio*. No capital or corporal punishment, not even a fine greater than a traditional maximum, could be inflicted on a Roman citizen before his appeal had been heard by the People and rejected. This had an inevitable result: every magistrate to whom there came a case in which the appropriate penalty was of a kind against which an appeal could not be refused took the matter to the People at the outset. The practice thus created was in many ways objectionable. Even if it was admitted that the urban *plebs* was a worthy representative of the Populus Romanus, it could scarcely be maintained that a public assembly of indefinite dimensions was the best possible jury to deal with issues often of some complexity. Accordingly, expedients to escape the difficulty were from time to time devised. At first by the People acting on the suggestion of the Senate, then by the Senate alone, and finally —from 113 B.C., the date of the Rogatio Peducaea (p. 97)—by the People in defiance of the Senate's desire, some magistrate or magistrates received a commission to hold the necessary trials when a grave offence was known to have been perpetrated on a considerable scale. The magistrates concerned then generally collected a *consilium* of prominent men and thus was constituted a court whose sentences, even when the People had not assisted in its formation, seem by a most remarkable development to have been capable of execution without appeal. It was against the Senate's claim, on occasions when such a court had been established without the concurrence of the People, to abrogate the right of the Comitia to have the final word in cases where a *caput* was at stake that Gaius Gracchus had protested in his *lex ne quis iniussu populi capite damnetur* (p. 56 *sq.*).

But there was one connection in which the second century B.C. had seen a more promising experiment than these haphazard attempts to provide an effective court whenever one was needed. It was inevitable that from time to time the provincial populations should complain that they had been fleeced by a rapacious governor, and these complaints presented a problem of some difficulty. Since their authors were not Roman citizens, the suits would most naturally go to the *praetor inter cives et peregrinos*, who then, in accordance with the practice which was regular in cases of an international character, would appoint a body of *recuperatores*. Such was the procedure followed on the classic occasion in 171 B.C. when the provincials of Spain asked for redress from their oppressors (vol. VIII, p. 310)[1], and something like it was not unknown even after Sulla's time[2]. But under such circumstances the suit remained a matter of private law, and this was objectionable for two reasons. In the first place the issue was clearly one of public interest; and, secondly, since the praetorian jurisdiction was essentially civil, it was difficult to brand extortionate behaviour by holders of *imperium* as a criminal offence, to be expiated only by a penalty and not by mere restitution, unless some other form of cognizance were devised.

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[1] Livy, XLIII, 2.

[2] When the young Caesar acted as *patronus* for the Greeks in 77 B.C., they were seeking simple restitution from C. Antonius in an action before the *praetor inter cives et peregrinos*, who on this occasion was M. Lucullus (Asconius, p. 84 C.).

In this direction the first and greatest step was taken by Lucius Piso, the consul of 133 B.C., who during his tribunate in 149 B.C. introduced a plebiscite whereby the system adopted in 171 B.C. was established as the regular procedure in all charges of extortion, and the court, no longer dependent on the *imperium* of the praetor, was founded on the surer basis of the authority conferred by a legislative act. Thus, though the penal element was not yet introduced, extortion was brought within the scope of public law, and procedure was formulated for the constitution of a court whenever the need for it arose. The history which begins with the plebiscite of 149 B.C. has three aspects to be noticed here. First, there is the struggle for the right to sit on the juries. At the outset senators alone were eligible, but from the time of Gaius Gracchus till that of Sulla, save for the brief interval due to the Lex Servilia Caepionis of 106 B.C. (p. 161 *sq.*), the privilege was confined to rich men outside the senatorial class. Secondly, the penal element in the result of a verdict adverse to the defendant received ever greater emphasis. And, finally, fresh courts, inspired by the model of 149 B.C., were formed to cover other parts of the field of criminal law. Here the *iudicium populi* rapidly gave way to the *iudicium publicum*.

It may be doubted whether this extension had begun when Gaius Gracchus passed the Lex Acilia[1], and Plutarch's story of Marius' prosecution in 116 B.C.[2] scarcely proves that a *quaestio* for charges of electoral corruption had been established by that time. But it is clear that before 95 B.C. murder had been brought under the new system by the creation of a *quaestio de sicariis et veneficiis*[3]. Soon afterwards a *quaestio de vi publica* had perhaps been added, though the date of the Lex Plautia cannot be accurately fixed; and it is not unlikely that the crime of *peculatus* had received similar provision by 86 B.C.[4]

This, however, is as far as the development appears to have progressed when Sulla set out to complete the scheme. His task was large, involving, as it did, not merely the creation of new courts, but the definition of all offences now under the jurisdiction of a *quaestio* and not adequately defined already. But it was not his business to frame a comprehensive criminal code. His affair was with those major crimes which called for punishment of a kind only permissible, under the old dispensation, after the People had given its consent: minor charges might be left to the magistrates as before. The matters with which Sulla had to deal were grouped for convenience under a number of heads, and for each a law was passed specifying the crimes concerned and creating machinery for their trial. Of these Leges Corneliae there were seven, two of them concerning crimes primarily of private life—injuries involving personal violence, and forgery, one—the *lex de sicariis et veneficiis*—dealing with murder and certain relevant cases of judicial corruption[1], and four devoted to outrages on the public life of Rome: these were laws on extortion, on peculation—both apparently aimed only at those who were guilty of these practices in an official capacity, on bribery at elections, and on treason. To this it should be added that at some time either shortly before Sulla's legislation or a few years thereafter, public violence was made the business of a special *quaestio* set up by a Lex Plautia. Thus the *iudicia publica* came to cover all the graver crimes, and the age of the *iudicia populi* was at an end.

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[1] See Note 2 on pp. 892 *sqq.*

[2] *Marius*, 5, 2–5.

[3] Dessau 45.

[4] Plutarch, *Pomp.* 4, 1–3.

Of the eight praetors now annually in office, two were required for the business of the civil law. The remaining six were each assigned the presidency of one of the *iudicia publica*; and, as there were not praetors enough for all the courts, the *quaestio de sicariis et veneficiis* was usually put under the charge of an ex-aedile with the title of *iudex quaestionis*. But, though the president for the year was known, it was a merit of the system that the jurors were not. About the composition of the juries, now drawn entirely from the Senate, our information is lamentably vague. It is clear that, when a case was beginning, the jury was empanelled by the prosecution and the defence exercising their right to challenge a certain number of the persons included in a *decuria* of the Senate: when this *reiectio* was complete, the survivors heard the case and gave the verdict. But it is an open question whether the Senate, at the beginning of each year, was divided into *decuriae* which were maintained for twelve months and assigned in turn to the courts as their needs arose or, as is perhaps more probable, a *decuria* was formed by sortition for each trial as it came on for hearing[2]. All that can be said with confidence is that, if the *decuriae* were periodically formed without regard to the immediate demands of judicial business, Sulla did not make the mistake of distributing them forthwith among the courts. For the parties to have known from the outset which *decuria* would take the case would have been an invitation to corruption, and those who attribute to Sulla so imprudent an arrangement as this do him an injustice for which there is no adequate authority.

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[1] Cicero, *pro Cluentio*, 54, 148.

[2] The remarks of Schol. Gronov. B (Stangl, II, p. 335) are not well informed: if they could be trusted, the second alternative would become impossible.

Whatever may have been the method whereby a jury was obtained, there are two features in the system which call for final notice. One is that, by an enactment probably repealed in 70 B.C., Sulla left the defendant free to decide whether the jurors should give their votes openly or by ballot[1]. The other, and by far the more important, affects the part played by the Populus in criminal jurisdiction. Though the details of the theory are obscure, the fact that the *quaestiones* were established by law to investigate the evidence on which the defendant was alleged to fall within a class of criminals against whom the People had, in the law itself, already formulated the penalty which it thought fitting goes far to justify the claim that the verdicts of the *iudicia publica* should have final validity. To this may be added, first, the analogy of the *unus iudex* in civil procedure, whose findings had never been subject to appeal, and, secondly, a late concession whereby the execution of a death sentence could be escaped by voluntary exile. The attempt of Antony in 44 B.C. to allow appeal in cases of treason and public violence was regarded as a most unhealthy innovation, and his enactment ran only for the briefest time: when it was rescinded, the proposal was never afterwards revived.

Such in brief was Sulla's attempt to provide Rome with an adequate machine for the administration of criminal justice. Of all his works this was the most enduring. It survived the confusion of the revolutionary age and only fell into disuse when the advent of the Principate created a new and superior authority whose activities by degrees encroached on the *iudicia publica*, as on all other branches of the judicature. The manning of the machine soon became a matter of dispute: the Sullan courts inherited a legacy of political controversy from the *quaestio repetundarum* which was their model, and the Senate only maintained its monopoly of the juries till 70 B.C. But, just because this was the only political issue involved, the machine itself remained intact. In its creation Sulla found a task to which his peculiar genius was admirably suited: it gave scope to those amazing powers of organization which were his greatest gift, and, because the recruitment of the juries was irrelevant to the system as such, unlike his other undertakings, its value was not impaired by his excessive faith in the vigour and stability of the Senate.

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[1] Cicero, *pro Cluentio*, 27, 75.

XV. THE RETIREMENT AND DEATH OF SULLA

The history of affairs at Rome during the period of Sulla's supremacy contains little more than the tale of his legislation. It is true that in the early months of 79 B.C. the youthful Pompey took a long step in his progress to pre-eminence by inducing Sulla to allow him, in spite of his never having held a magistracy, the honour of a triumph for his exploits against the Marian rump, and that in the previous year Cicero had won a place in the front rank at the Roman bar by his successful defence of the younger Sextus Roscius. But the political life of Rome was stifled under the incubus of the dictatorship. To that extraordinary office Sulla had added the consulship in 80 B.C., taking as his colleague Metellus Pius—a most estimable citizen, whose significance is chiefly due to his inheritance of his father's inability to win a war. The consul of 80 B.C. in due course took command of Spain, and there his failure against Sertorius gave Pompey the same opportunity as Marius had been offered by the ineffectiveness of Numidicus in Africa. For the following year Sulla was on the point of being elected again; but now his work was done, and at his suggestion the consulships of 79 B.C. were given to Appius Claudius Pulcher (see above, p. 262) and P. Servilius Vatia, later famous as the elder Servilius Isauricus. Then at last, confident in the loyalty of his supporters both in Rome and Italy, when his consulship had expired Sulla laid down his dictatorial powers. In 78 B.C. he died at his Campanian seat, and his public funeral in Rome, though it was not granted without protest, was held amid scenes which bore witness to the multitude of those who had cause for gratitude to the dead.

Sulla's achievement demands no complicated judgment. For all their interest to a moralist like Plutarch, his private life and character are of slight concern to the historian. That he was a hard liver and a man ruthless in his ways with opposition are facts beyond dispute; but they have no bearing on the central issue—the question of his place in the constitutional development of Rome. Nor, again, is there any need to dwell on his capacity for organization. The arrangements which he made in Asia (p. 259 *sq.*) and his enduring development of the *iudicia publica* are enough to show that, when it was a matter of constructing machinery to perform the work of daily administration, Sulla was not inferior to Augustus himself. But it is on his conception of the constitution most suitable for Rome that his reputation depends. As has been said above, the problem was not of his own creation. First, the enfranchisement of Italy made it essential to curb the powers of the urban *plebs* which, masquerading as a typical selection of the Populus Romanus, had lately been claiming with a new insistence to exercise untrammelled the tremendous powers of a sovran *demos*. And, secondly, the Marian system of military recruitment had brought with it armies capable of such dangerous devotion to their leaders that measures were urgently needed to strengthen the control of the central government over its executive in the provinces. But the means which Sulla took to secure these ends were of his own choosing, and it is by the adequacy of these means that the value of his reform must be assessed. Sulla's attempt to increase the authority of the Senate, both by enlarging its numbers and the field on which it drew and by providing that indirect popular election, without the possibility of interference by the censors, should be the only mode of access to a seat, was an attempt on the most promising lines. Though the censorship was revived in 70 B.C. for a time, the constitution of the Sullan Senate differs from that of Augustus only in the lack of some minor regulations necessitated by the advent of a Princeps. Again, the *lex annalis*, likewise adopted by the Empire without essential change, served within its limits to curb the independence of the consuls. Save in 70 and 59 B.C., curule magistrates caused little trouble after Sulla's time, and on both these occasions it was an army which made them dangerous.

The tribunate, however, presented a more difficult problem. In fairness to Sulla it must be admitted that the positive powers which he allowed the tribunes to enjoy were peculiarly like those which they retained under the Augustan arrangements; but there was one essential difference—that Sulla left the Concilium Plebis alive, whereas under Augustus it was dead. So long as the plebeian assembly and the tribunate both survived, there was a danger: legislation might strive to keep them apart, but, if the legislation failed, the way for a new Gracchus was clear. It has been seen that, in this situation, Sulla's hope was to kill the tribunate by depriving it of serious candidates for the office; but the blow he delivered was not mortal, and the tribunate recovered. In the end, his attack did no more than supply his enemies with a battle-cry in the demand for a restoration of the tribunes' pristine powers. But the attack itself was justified, and the misfortune of Sulla lay rather in his inability to destroy the office outright and—what was still more necessary—to end the activities of the Concilium Plebis for ever. He must not, indeed, be blamed for sparing the assemblies—the time was not ripe for their suppression: but it cannot be denied that the Julio-Claudians found a better way when they silently removed the People from the Roman Constitution. One point, however, must be added. Though Sulla did not permanently stop the demagogic agitation of the tribunes, he left the office so completely fettered that its holders were powerless for evil until their bonds were loosed. The sequel will reveal one fact of great importance—that in their struggle for freedom the tribunes could win no tangible success by their own efforts alone, and that it was only the championing of their cause by other men—men who had armies at their backs—which finally enabled the tribunate to throw off the shackles imposed by Sulla.

And so at length we reach the rock on which the Sullan system foundered. The divorce of the magistracy from the pro-magistracy was a development—hastened, indeed, by Sulla but started long before his time—which had the most beneficent effects when it was completed in 52 B.C., and subsequently accepted by Augustus. The arrangements to make possible an annual tenure of provincial commands were salutary so far as they might render it more difficult for governors to establish a personal claim on the loyalty of their troops. But all this went for nothing when politicians were generals and the armies depended on their generals for pensions at discharge. Even if commands had never run for more than a single year—a system most dangerous to the effective conduct of war—sooner or later, with the army as it was, a general and his troops were bound to discover that each could serve the other. To cope with such a threat no oligarchy could be competent: at best it could start a civil war by arming one of its members to meet the menace, and even that might mean no more than changing one master for another. Until the time should come when the armies would be the armies of the State, assured that the State itself had a system to reward faithful service with adequate provision for old age, and convinced that intervention in political affairs would be visited by punishment inevitable and condign, there was one way alone to provide security against recurrent military tyrannies. A monarch must be found to command all the Roman forces, and he must be allowed to choose his own subordinates, looking as much for loyalty to himself as for competence in the performance of their duties. For such a rôle Sulla was not cast. The age was not ready for a principate. The peril from the proconsuls had yet to be appreciated in all its gravity, and Rome had to pass through the fire of the Civil Wars before she would reluctantly accept even the veiled monarchy of Augustus.

For his day Sulla did well. The Senate could not be deposed;

and so long as the Senate remained supreme it is hard to see what greater powers it could have been given or what stronger defences could have been erected against its enemies. The weakness of Sulla's work is to be ascribed partly to his failure to have done for good with the travesty of popular sovranty exercised by the urban mob, and still more to his own great refusal of the crown. Yet the fault was venial. Caesar might say that by surrendering the dictatorship Sulla showed ignorance of the political ABC, but it was largely from Caesar's own career that men grappling with the problem of the Roman government learnt the essence of their task. To blame Sulla for his ignorance is to blame him for having lived thirty years too soon.

But Sulla's work was not wasted. In administrative organization he served Rome well, and there is not one of his enactments under this head which, if it did not survive intact, failed to bear fruit of value. Even in the sphere of politics Sulla taught his successors a lesson which none was so foolish as to ignore. His ideal of senatorial supremacy might be impossible, but his methods of seeking it were instructive. Once and for all he showed that an elaborate programme of legislation, of the sort which the Gracchi had lamentably failed to carry through with the support of the Concilium Plebis, could be enacted in all its parts by one who relied upon the army. Of the two legs which carried the Augustan principate the Gracchi had rested on the *tribunicia potestas*. It was Sulla who showed the political value of the *imperium*: and of these two the *imperium* was incomparably the more valuable. If the Sullan system collapsed, as it shortly did, its collapse would be due to the action of the army, and the task of the next reformer would be to bring the army under control. Sulla had shown the means to be employed—the army itself. And so it emerged from Sulla's work that the business of Roman statesmanship was with military support to create a government able to command unbroken allegiance from the army. Though he did not supply the answer, Sulla set the problem in a form which minds less acute than those of Julius and Augustus could scarcely fail to grasp.

CHAPTER VII

THE BREAKDOWN OF THE SULLAN SYSTEM AND THE RISE OF POMPEY

I. THE POLITICAL SITUATION AFTER SULLA'S DEATH

THE state of Italy in 78 B.C. was dangerous. When Sulla died and men had no more cause to fear a return of the dictatorship, grievances which are the inevitable legacy of drastic change began to find violent expression. Within a few months the Senate was confronted with a crisis. Its statesmanship and its competence to wield the powers put into its hands were submitted to a searching test; and this ordeal was only the first of many. Though its performance can scarcely be called distinguished, the government repelled the first attack—an attack delivered by M. Aemilius Lepidus, one of the consuls of 78 B.C.; but the continuous pressure of which the affair of Lepidus was only the beginning rapidly revealed the weakness of the senatorial position, and before ten years were out the citadel of the Sullan constitution had fallen.

The most vocal, though by no means the most formidable, section of the opposition was one which clamoured for an immediate emancipation of the tribunate. The tribunate was an office of the highest value to any aspirant for power whose gifts or opportunities gave no promise of a military command; and, when the restoration of its full authority was demanded by ambitious politicians, their claims found warm support among the masses. The prestige acquired by the early champions of the Plebs still lingered round the office, and in more recent days it was to the tribunes that the masses had been indebted for some of the most valued privileges of Roman citizenship: land allotments and cheap corn had not been the result of consular legislation. Amply as Sulla's attack on the tribunate had been justified, it had the unfortunate consequence of giving the enemies of his constitution a plausible and effective war-cry. Such was the most obvious source of discontent. A second, which showed its effects throughout the length and breadth of Italy, was the arbitrary confiscation whereby Sulla had taken property from his enemies in order to bestow it on his troops. The victims of expropriation could not be expected to refuse a chance of repairing their shattered fortunes, and the military settlers themselves—men for whom the monotonies of agricultural life held few attractions—were ready to welcome an opportunity of return to the more profitable excitements of war.

All this unrest was made doubly dangerous by the presence of men able and anxious to exploit it. Little was to be feared from the young hopefuls whose interests did not go beyond the tribunate: but, besides these, the Senate had to face the consistent hostility of the business class, whose aim was to recover its hold on the administration of criminal justice, and the natural ambition of its generals, who would not long refrain from protest when the obstructive arrangements of Sulla threatened to debar them from office and commands to which they were entitled by past success. There was thus no lack of discontents, or of leadership to make their agitation effective. In the history of the decade following Sulla's death two outstanding phases may be distinguished. First, the admirers of the tribunate are found making ineffective demands for its liberation; and secondly, failure is suddenly turned into success when their efforts are joined by those of the commercial interests and the military politicians. The Senate is then forced back at every point. Before this, however, there stands a somewhat isolated episode, whose central figure is M. Aemilius Lepidus.

II. M. AEMILIUS LEPIDUS

M. Lepidus, father of the triumvir and probably son-in-law of Saturninus, was a man of contemptible character, small ability and unlimited ambition. His praetorship in Sicily had given the provincials a foretaste of their subsequent experiences at the hands of Verres[1], and his later activities in Italy during the days when he was still a follower of Sulla had not been without considerable profit to himself[2]. But, though he had lent a hand against Saturninus in 100 B.C., his devotion to the oligarchical interest was a passing phase. The fellow was a mere adventurer, and there is nothing to show that at any stage of his career his policy was determined by more honourable motives than a resolve to play for his own hand alone. As the work of Sulla progressed, it became ever clearer that nothing more was left to do in the interests of the Senate. If anywhere there was need for a champion, it was on the side of those who sought to destroy the Sullan constitution; and towards them Lepidus soon inclined. When in 79 B.C. he stood as a candidate for the consulship, he did so as an open enemy of the dictator; and though Sulla did not strike him down, he made no concealment of his displeasure at the help which the man was receiving from the young Pompey[1].

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[1] Cicero, II *in Verr.* III, 91, 212.

[2] Sallust, *Hist.* I, 55, 18 M.

Lepidus was returned at the head of the poll with Q. Lutatius Catulus, son of Marius' rival at Vercellae (see above, pp. 149 *sqq.*). Catulus was a thoroughbred oligarch, and before long the consuls found themselves at loggerheads. Their earliest recorded quarrel was over the ceremonies at the funeral of the dead dictator, but later in the year Lepidus opened a far graver issue by proposing to reverse some of Sulla's most controversial enactments. Sequestrated land was to be restored to those from whom it had been taken, the exiles were to be recalled, and a bill for the resumption of *frumentationes* was introduced, perhaps even passed[2]. The attitude of Lepidus to the tribunate is a matter of some doubt. Before his brief career was ended he certainly lent his name to the demand for a restoration of its powers[3], but at an earlier stage he is alleged by Licinianus[4], in a passage which is admittedly not altogether accurate, to have urged that the office be left under the disabilities imposed by Sulla. If the views of Lepidus on this question underwent a change, there need be no surprise. Since the struggle of the Orders had closed, the old unfettered tribunate had become an institution whose veto was at least as useful to the Senate as its initiative in legislation was to the classes outside the oligarchy: it could be argued with some plausibility that on balance the People were not losers by its limitation. Such may have been the belief of Lepidus: but, on the other hand, the demand for its release from Sulla's trammels was one which could attract a large body of support among the masses, and nothing forbids the conjecture that the political value of the cry led Lepidus to change his tactics.

In face of the dangers thus suddenly provoked, the Senate induced the two consuls to swear that they would refrain from a resort to arms. But, though Lepidus agreed to keep the peace at least until his consulship ran out, there were disturbances in Italy which called for military intervention; and, if armies took the field for the maintenance of order, there was every likelihood that they would end by intervention in political disputes. There had been an ominous rising at Faesulae, where some of the dispossessed had attacked the Sullan settlers and deprived them of their holdings after a struggle in which several were killed. The veterans were not the men meekly to submit to such treatment as this, and both consuls seem to have gone north with troops to prevent the spread of violence[1]. The sequence of the events which follow is far from clear. Lepidus had secured Transalpine Gaul as his province for the year 77 B.C., and this doubtless served as an excuse for levying troops. But he made no attempt to leave Italy, though he did not return to Rome when his presence was needed for the consular elections. Instead, he sought to consolidate his position in northern Italy, where he had an active lieutenant in M. Junius Brutus, father of the tyrannicide. When at length he was summoned by the Senate to the city to hold the elections already overdue, he marched on Rome with an army and a whole series of demands which now included the restoration of the tribunate and a second consulship for himself[2].

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[1] Plutarch, *Pomp.* 15, 1–2.

[2] Licinianus, p. 34 F.

[3] Sallust, *Hist.* I, 77, 14 M.

[4] Pp. 33–4 F.

The immediate result was to put the leaders of the oligarchy on their mettle. With the unusual support of L. Marcius Philippus, the enemy of the younger Livius Drusus, they induced the Fathers to pass the *senatus consultum de re publica defendenda*, and then to take the still graver step of invoking the aid of the young Pompey. Creditable as these measures were to the energy of the Senate, they did not bode well for the future. Though Pompey was probably no more than a *legatus*, nominally serving under Catulus, it was utterly against the intention of the Sullan constitution that a man who had never held a magistracy of any kind should be given high military employment. His appointment suggested a dearth of generals among the elder statesmen, and the passing of the 'last decree' was no testimony to the government's confidence in itself. Lepidus was a puny figure: yet more than was done against him would scarcely have been possible if another Hannibal had stood at the gates of Rome.

Whatever their implications, these measures were at least effective. Lepidus, defeated by Catulus outside the city[3], retired to Etruria, whence he shipped the remnants of his army to Sardinia. Brutus was driven into Mutina by Pompey and, when he had surrendered on terms after a considerable siege, was basely murdered by order of his unscrupulous conqueror. In Sardinia Lepidus soon died, whether by violence, disease or disgust at the misconduct of his wife our authorities are undecided, and what was worth saving of his army was taken by M. Perperna to swell the forces of Sertorius in Spain. So ended an episode which, tiresome as it was while it lasted, had no great significance. However weak the Senate may have been, Lepidus was not the man to overthrow it. He had no ideals beyond his own aggrandizement, and he was rightly judged by a sagacious young man whom the death of Sulla had brought back to Rome: though he was no friend of the oligarchs, Julius Caesar left Lepidus severely alone[1]. Nevertheless, the affair is not without a place in history. It revealed an alarming degree of discontent in Italy: it showed the Senate behaving with that anxious energy which is the mark of feeble governments: and, above all, it provided Pompey with another stepping-stone in his unprecedented advance to the position of first citizen of Rome.

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[1] Licinianus, p. 35 F.

[2] Plutarch, *Pomp.* 16, 3.

[3] According to Florus II, 11 (III, 23), 6, Pompey was present at this battle; but the other authorities restrict his activities to the northern campaign.

III. THE APPOINTMENT OF POMPEY TO SPAIN

The final settlement with Lepidus and his friends had been delayed till 77 B.C., and business had been so far suspended by the confusion that the year opened without consuls. For a time there was an *interregnum* until the vacant places were filled by two most worthy nobles—D. Junius Brutus and Mam. Aemilius Lepidus Livianus, the latter perhaps brother of the younger Livius Drusus[2]. These nonentities claim notice for one thing alone: they gave their names to a year which is a turning-point in the constitutional development. The aristocratic government, under whose direction the foundations of the Roman empire had been laid, fell into rapid decay during the last thirty years of the second century B.C.; but the decline, which in the days of Marius and Saturninus had threatened soon to prove fatal, was abruptly arrested by Sulla. The Senate was restored to a position of supremacy which, to all outward appearance, was farther beyond the reach of challenge than any it had occupied before, and the resuscitated oligarchy was equipped with an armoury of weapons for use against its divers foes. Its future seemed assured, provided only that it showed the strength and spirit to stand up against attack.

The first real test came in 77 B.C., when the failures of Metellus Pius in Spain made it necessary to send him a colleague more worthy of Sertorius (p. 320 *sq.*). For this appointment Pompey became an insistent claimant. When Catulus ordered him to disband the army he had used at Mutina, he found various excuses for delay, until finally—after search had failed to disclose even one outstanding member of the Senate who was both competent and willing to face Sertorius—he was given the coveted post on the proposal of that old man of the sea, L. Philippus. To the Sullan constitution this was a fatal blow. Pompey had no semblance of the qualifications which Sulla had required in candidates for such a command. He was not a senior member of the Senate; indeed, he was not a member at all: and—more important still—he was no sound friend of the oligarchy. He used it so long as it served his purpose; but his early support of Lepidus, and now his attitude to the vacancy in Spain, are evidence enough to show that his obligations to the Senate would not be allowed to hinder his own advancement. Now, for the second time within a single year, the Senate thrust an army into the hands of this enterprising youth. And on this second occasion he was not even nominally under the command of another. He went to Spain as the equal colleague of Metellus: he came back the superior, not only of all other military men in Rome, but of the Senate itself. Yet, though the Spanish mission of Pompey sealed the fate of Sulla's constitutional work, it is easy to sympathize with the difficulties of the government. If the two Luculli be left out of account—and neither of them was as yet of proper standing, though Lucius had got some special dispensation from the *lex annalis*[1], no other candidate came near to Pompey in military reputation. Lack of an alternative and knowledge that his qualifications were high—indeed, everything except the Senate's duty in its own interests to uphold the Sullan system—combined to suggest his appointment. Nevertheless, the choice was fatal. For the next six years, the Senate might appear to hold its own; but the power it had planted in Spain soon passed out of its control, and Pompey's return to Italy was the signal for a revolution.

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[1] Suet. *Div. Iul.* 3.

[2] See F. Münzer, *Römische Adelsparteien und Adelsfamilien*, p. 312.

IV. SERTORIUS AND THE SERTORIAN WAR[2]

After the burning of Numantia (see vol. VIII, p. 322) had closed a chapter in the efforts of the Lusitanians and Celtiberians to regain their freedom Spain was undisturbed by war for about thirty years. But we cannot assume either that the Roman rule became more acceptable or that the brigandage which was suppressed during the governorship of Marius (114 B.C.) was an isolated example of disquiet. When a new generation had grown to manhood revolt was ablaze once more. After Arausio the victorious Cimbri invaded Spain, but were expelled by the Celtiberians. This notable deed of arms incited both Lusitanians and Celtiberians to insurrection and during the next ten years much blood was shed. The Lusitanians, though checked at the outset by L. Cornelius Dolabella who triumphed in 98, immediately rose again in concert with the Celtiberi and Vaccaei. Two governors of consular rank, T. Didius (consul in 98), conqueror of the Scordisci, and P. Licinius Crassus (consul in 97), re-established the ascendancy of Rome by the usual methods and triumphed in 93, the former over the Celtiberians, the latter over the Lusitanians. Of the vigour of Didius there can be no doubt—rebellious towns were razed to the ground and the inhabitants of Termantia, a powerful and refractory city, were removed from their hill-fortress to an unwalled settlement on lower ground—but his treacherous massacre of unarmed Celtiberians[1] reminds us of the brutality of Galba towards the Lusitanians. Permanent peace, however, was not secured, for the Celtiberians had to be chastised again by C. Valerius Flaccus after his consulship in 93. Thus from the fall of Numantia to the Sertorian War Spain passed through a half-century of uneasy peace marred by one violent revolt. No doubt while high tribute continued burdensome and governors oppressive Roman *negotiatores* did not lose their opportunity of exploiting the Iberians. The stage was being prepared for the tragedy of Sertorius.

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[1] Cicero, *Acad. pr.* II, I, I.

[2] For Spanish affairs from the fall of Numantia to the Sertorian War we rely upon Appian, *Iberica*, 99–100, supplemented by occasional items in the *Fasti triumphales* and the *Epitomes* of Livy. The principal authorities for the Sertorian War are Plutarch, *Sertorius*, *Pompey* (17–20) and Appian (*Bell. Civ.* I, 108–15), supported by the fragments (Books I and II) of the *Historiae* of Sallust, the *Epitomes* of Livy, writers who abridged him, and numerous references in such authors as Cicero, Strabo and Frontinus. Two strains of tradition can be traced, popular and aristocratic. The popular sympathies of Sallust are reflected in the favourable narrative of Plutarch, but in Appian and the writings based upon Livy we can detect the opposite bias.

Quintus Sertorius, the last and greatest name in the story of Spain under the Roman Republic, was born a Sabine at Nursia in 123. He had escaped the stricken field of Arausio to serve under Marius against the northern barbarians, and his experience as a military tribune under Didius in the Celtiberian war where he gained an appreciation of his enemies and a profound knowledge of guerrilla warfare, marked him out as an exceptionally brave and capable officer. Moreover, by the end of the Marsic War where he served first as quaestor in Cisalpine Gaul and later as a commander in Italy, the scarred veteran of thirty-five had become a popular figure, but met with a rebuff in his first political campaign. In 88 when a candidate for the tribunate he was rejected through the opposition of Sulla, to whom the election of a distinguished officer of municipal descent and a potential if not already an actual opponent was doubly unwelcome. Ranked, therefore, with the Marian party but gravely mistrusting Marius himself, he played a part in, and was a restraining influence after, the seizure of Rome. We hear nothing further of him till 83, when after trying to stiffen the resistance offered to Sulla (p. 273) he was sent at the end of the year to govern Nearer Spain[1]. Thus the Marian leaders in Italy sent away their best general and may have been glad to see the last of a pungent critic. No doubt a man of his stamp who, as Sallust says[2], 'sought during the Civil War to be esteemed for justice and goodness,' was overshadowed by larger but inferior growths.

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[1] Appian, *Iber.* 100.

During the winter he crossed the Pyrenees by the Col de la Perche, having bribed the natives to let his army through. Once in Spain, he overcame the governors and spent the rest of the year 82 in raising a force of Celtiberians and Roman residents and building ships to hold the peninsula against Sulla. Aware of the danger, Sulla proscribed him at once and early in 81 sent out C. Annius Luscus with two legions to recover Spain. Outnumbered and handicapped by the treachery of a subordinate, Sertorius fled to Mauretania and during an interlude experienced those hardships and romantic adventures which are so graphically described by Plutarch[3]. But after cheating him of his desire to seek oblivion in the Isles of the Blessed, fortune smiled once more upon the exile. Entreated by the Lusitanians to lead them in yet another revolt from Rome, he landed in 80 at Baelo, west of Tarifa, where a force of 4700 awaited him, and soon defeated L. Fufidius, the governor of Further Spain, on the Baetis. By the end of the year he had raised his forces to 8000 and was ready to take the field against the best generals Sulla could send. Lusitanian and, later, Celtiberian hill-men, captivated by his personality and by his adroit appeal to their superstitions, were welded into an army officered by his Roman followers which learned to excel not only in the improvisations of guerrilla warfare, but also in more conventional battle-pieces. An organizer and a commander of genius, he remained for eight years (79–72) undefeated in any general engagement.

Serious hostilities began in 79 when Q. Caecilius Metellus Pius, the governor of Further Spain, planned to crush Sertorius between his own army and that of M. Domitius Calvinus from the Nearer province. But the combined manœuvre failed. While Sertorius kept Metellus occupied, L. Hirtuleius, his best lieutenant, defeated and killed Calvinus near Consabura (now Consuegra) between the upper valleys of the Tagus and the Guadiana; and Sertorius similarly dealt with Thorius, a legate of Metellus. Hirtuleius then marched against the defenceless northern province, while Sertorius harassed the southern and pinned Metellus down to cautious strategy. Exploration[1] has thrown light upon the advances carried out in 79 and 78 by Metellus from his headquarters on the Guadiana: to the north he penetrated as far as the Sierra de Guadarrama; on the west he advanced towards the mouth of the Tagus; and to the south-west he was worsted by the cunning of Sertorius at the siege of Lacobriga (now Lagos). But in 77 he seems to have withdrawn to the line of the Baetis, and in that summer Sertorius was free to march across central Spain and extend his power among the Celtiberi. Hirtuleius had already been operating there and had defeated L. Manlius, governor of Gallia Narbonensis, who attempted to interfere. From the story of the march of Sertorius from Lusitania to the Ebro we can appreciate his versatility as a commander; to oust the cave-dwellers of Caraca he pressed into service the north-east wind and a storm of dust, but against the fortress of Contrebia he employed more orthodox methods for forty-four days, and finally spared the garrison. By the end of the year, he was master of Spain from the Sierra Morena to the Pyrenees and his influence extended to Gallia Narbonensis and Aquitania.

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[1] From Appian, *Bell. Civ.* I, 86, 392 it is clear that he had been praetor, possibly in 87.

[2] Sallust, *Hist.* I, 90, M.

[3] *Sert.* 8–9.

He had created a Romano-Iberian power which under favourable conditions might enable him to interfere in Italian affairs. On the east coast, between the Roman stronghold of Nova Carthago and the Ebro, Saguntum and Lauro alone resisted him; Dianium was his naval arsenal and harboured his allies the Cilician pirates. From his Roman followers he appointed a senate of 300 to act as a Council of State, and at Osca, his capital, he opened a school where Celtiberian chieftains sent their sons and unwittingly provided him with hostages. Moreover, towards the end of 77, he was reinforced from Sardinia by the remains of the army of Lepidus, some 20,000 infantry and 1500 horse, commanded by Perperna (p. 316). Small wonder, therefore, that in the summer of 77 the Senate, fearful lest a second Hannibal might invade Italy, had been driven to the distasteful step of commissioning Pompey to set their Spanish house in order, as it was said, '*non pro consule sed pro consulibus*[2].' On the march out the new commander met trouble in Gallia Narbonensis, but outflanked the Salluvii by building a new road through the Cottian Alps (by Mont Genèvre) and reached Spain for the campaign of 76.

The second phase of the war then opened, a struggle for the coast plain of Valentia, an arena where aggressors from the north were naturally challenged by defenders of the peninsula, and a region of vital importance for supplies. In his first campaign Pompey maintained this contest single-handed and unsuccessfully. He sought to win a base for operations against the Celtiberian highlands by attacking the plain of Valentia from two sides; he himself was to descend from the north, a quaestor, C. Memmius, was to land at Nova Carthago and march up from the south. Sertorius, who clearly expected that the east coast would be the decisive theatre, left Hirtuleius to watch Metellus in the southern province and posted Perperna, with Herennius in reserve, to prevent Pompey from crossing the Ebro. He himself remained in the upper Ebro valley so as to be able to intervene either against Pompey or against Metellus. At the outset Pompey forced the crossing of the Ebro and marched down to Saguntum; Perperna fell back upon Valentia. Sertorius thereupon descended from the upper Ebro and began to besiege Lauro, the capture of which would secure Perperna and Herennius at Valentia. Pompey's efforts to raise the siege were disastrous. Outstripped, first, in a movement to seize a commanding elevation west of the city he was then severely defeated in an attempt to crush Sertorius between his own army and the city. Later, his foraging parties were enticed to destruction and a legion sent to the rescue was annihilated. 'The pupil of Sulla' had indeed been taught a severe lesson[1]. Outmanœuvred Pompey abandoned Lauro to Sertorius and marched back towards the Ebro.

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[1] For example a Roman camp near Caceres is to be regarded as a construction of Metellus. For this and other evidence see A. Schulten, *Sertorius*, pp. 66–73.

[2] Cicero, *Phil.* xi, 8, 18.

Farther south, however, the calculations of Sertorius were rudely shaken, for Hirtuleius was routed at Italica by Metellus when endeavouring to prevent him from joining Pompey. Apparently his strategy was blameless, but his tactics in exposing his men to the burning heat of an August morning while the enemy were sheltered within their camp contributed to his defeat. After his victory Metellus refrained from intervention on the east coast, possibly because of the advanced season, and marched up to the eastern Pyrenees where he wintered. But Pompey, anxious to retrieve his failure, began to reduce the Celtiberi around the upper Ebro. The year's balance of success clearly lay with the rebels, for the repulse of Pompey outweighed the disaster to Hirtuleius. Moreover, it is possible that we should assign to the winter of 76–5 B.C. the conclusion of an agreement between Sertorius and Mithridates[2]. In return for 3000 talents and 40 ships Sertorius undertook to send him an officer and men and to recognize his

[1] Plutarch, *Sert.* 18.

[2] See p. 358.

conquests in Bithynia and Cappadocia, but he was too loyal a Roman to allow a claim to the province of Asia[1]. Closely allied with the King that menaced Rome in the east and with the corsairs that harassed her communications with every province Sertorius was indeed at the height of his power.

The operations of 75 formed a climax. While Pompey again attempted to win the plain of Valentia Metellus marched down from the Pyrenees and inflicted upon Hirtuleius at Segovia a defeat which decisively influenced the course of the war. In tactics the battle was on the pattern of Ilipa (vol. VIII, p. 89)[2]. Its results, the loss of his second-in-command and the union of Pompey and Metellus, were blows which presaged ultimate defeat for Sertorius. Meantime there had been severe fighting on the east coast. Outside Valentia Pompey was attacked by Perperna and Herennius, but routed them with heavy loss and took the city. Herennius was amongst the dead, but Perperna fell back upon Sertorius in the lower Sucro valley. Elated by this success and anxious to follow up his victory, possibly before Metellus should intervene, Pompey flung his smaller army against the combined forces of Sertorius and Perperna. Although the brilliant generalship of Sertorius more than compensated for the failure of Perperna neither side could claim a distinct advantage, but on the following day Metellus joined Pompey and saved the situation. 'If that old woman had not come up,' lamented Sertorius, 'I would have thrashed the youngster and sent him back to Rome[3].' His army, however, was shaken in morale by the news of Segovia and was temporarily disbanded. The sacred fawn which was said to attend upon Sertorius as the visible evidence of divine favour was not to be found, but with its reappearance hope returned, and an army again took the field. This time, however, Sertorius failed to make good a defeat of Perperna by Metellus; but he threw himself into Saguntum[4] and continued to defy his opponents. The Roman generals, therefore, baffled by the skilful moves of Sertorius and in constant anxiety about their supplies, abandoned their venture in the plain of Valentia. Metellus, for whatever reason, withdrew to Gaul, but Pompey spent the autumn in attacking Celtiberian towns, like Clunia, between the upper Ebro and the Douro, always with the hope of forcing Sertorius to a pitched battle. Leaving a *legatus* to winter among the Celtiberi[1] he retired towards the western Pyrenees and composed the despatch which was read to the Senate early in 74 B.C.[2] No exception could be taken to his demands for reinforcements, supplies and money, since the successes of Sertorius, the activity of the pirates and the failure of the Gallic harvest were sufficient explanation; and nerves already strained by agitation at home and grave trouble elsewhere abroad would not be eased by the studied pessimism of Pompey's concluding words: 'I warn you that unless you come to the rescue I shall be unable to prevent your armies here from marching back to Italy and bringing with them the whole Spanish war.' This outburst, supported from personal motives by the consul L. Lucullus who feared that the return of Pompey to Italy might menace his own Asiatic command, had the desired effect. Two legions and money were sent to Spain.

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[1] Plutarch (*Sert.* 23) is to be preferred to Appian (*Mithr.* 68), who includes the province of Asia.

[2] Frontinus, *Strat.* II, 3, 5.

[3] Plutarch, *Sert.* 19.

[4] Sallust, *Hist.* II, 64 M., supports this interpretation of the vague account in Plutarch, *Sert.* 21.

The arrival of this help coincided with a complete change in the conduct and fortunes of the war. The Roman generals, now convinced of the futility of struggling for the plain of Valentia against the combination of Sertorius and the pirates, changed their battleground and their strategy; they delivered a combined attack against the Celtiberian highlands and applied themselves to siege warfare. Operating in the mountains south-west of the middle Ebro Metellus captured such strongholds as Bilbilis and Segobriga, while Pompey was busy around the head-waters of the Douro. But Sertorius still showed his quality; at Pallantia he forced Pompey to abandon the siege, and at the end of the year before Calagurris, the key to the upper Ebro, he worsted the combined armies of Pompey and Metellus with the loss of 3000.

But the situation had now completely changed, a crisis had been passed and the defeat of Sertorius was only a matter of time; in the south-east the Celtiberi had fallen away and their last strongholds to the north-west were beginning to totter. In 73 while Metellus remained in his province Pompey continued alone against enfeebled opposition, and by the end of the year few towns held out. This collapse is easily comprehensible. The Romans had been reinforced, they had profited by defeat and they were pressing home the superiority of a giant. Among the Iberians the will and the power to resist were failing; a century's struggle for freedom had taken toll of physical and spiritual stamina from tribes whose elation after victory had been equalled by depression after defeat.

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[1] Schulten (*op. cit.* p. 121) ascribes two of the camps preserved near Renieblas east of Numantia to Pompey and his legate Titurius.

[2] Sallust, *Hist.* II, 98 M.

Moreover, their leader himself was driven by disappointment and mistrust to loss of self-control and to stern and even tyrannical measures. Perperna, his evil genius, took advantage of the collapse of his forces and of his growing unpopularity to plot against his life. In 72 the great outlaw, like Viriathus before him, was basely murdered. Perperna then fell an easy prey to Pompey, who crowned his victory by a great refusal to open the correspondence found in the enemy's camp. No doubt many a Roman noble who had intrigued with Sertorius breathed more freely. A few towns remained to be overcome, and the siege of Calagurris where the garrison devoured the bodies of women and children sets a seal of horror upon the tale of the war. The year 71 saw Pompey and Metellus back in Italy. The trophy of victory which the younger commander proudly erected upon the summit of the Col de la Perche commemorated his capture of eight hundred and seventy-six towns, but in accordance with a wholesome practice and a regard for truth made no mention of his invincible antagonist.

An examination of the career of Sertorius compels assent to the striking but guarded tribute paid to his memory by Mommsen[1]. 'So ended one of the greatest men, if not the very greatest man that Rome had hitherto produced—a man who under more fortunate circumstances would perhaps have become the regenerator of his country.' Although it is futile to speculate upon his political future had his career ended in triumph not in tragedy, the great capacity which he displayed as an outlaw would surely have been reproduced on the stage of public service. In any case he is worthy to take a place not far beneath two of the giant figures of Roman republican history, Hannibal as a commander and Julius Caesar as a personality. His achievements in war proclaim him a military genius; rare gifts of leadership and strategy were supplemented by that knowledge of Roman discipline and tactics which he acquired in the school of Marius and developed in his Celtiberian and Italian campaigns. While comparable with Marius in the training of soldiers and Pompey in organization, he possessed, like Caesar, the power of rapid and disconcerting movement, the initiative and resource that frequently bewildered his opponents by some daring stratagem and snatched victory from the jaws of defeat. In the Iberian hillmen he found excellent material for training, particularly as skirmishing troops, and in the Iberian peninsula a terrain admirably adapted to guerrilla warfare. Commanded by himself, these men were irresistible in open fighting, and even in close encounters proved themselves worthy antagonists of trained Roman legionaries. But the issue of the pitched battles in 76 and 75 showed that ultimately the strength of Sertorius would be measured by that of his subordinate commanders. On the Sucro, for example, all his superb ability to rally beaten troops was required to compensate for the failures of Perperna. It is true that some of the spirit of Sertorius descended upon Hirtuleius, but the results of Italica and Segovia showed that even he was no match for the experienced Metellus. That his levies remained an effective force for so long is a tribute to his personal magnetism, no less than to the inspiration of success. While many of his measures proclaim his enlightenment and humanity, he could act ruthlessly when it was necessary to maintain discipline and morale.

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[1] *History of Rome*, IV, p. 302 *sq.*, followed by Schulten. For a less favourable view see H. Berve, *Sertorius*, in *Hermes*, LXIV, 1929, p. 199.

His biographer has portrayed a personality who commands admiration and respect. In hardihood, integrity and frugality he is true to the type of the yeomen heroes who won Italy for Rome; and his descent from them seems to speak in those touches of grave humour wherewith he soliloquizes over a discomfited antagonist or laments a lost opportunity. He stands out among celebrated contemporaries as one richly endowed with military genius and promise as a statesman, and he was in advance of his age in his realization of the duties of Rome to her provincial subjects. It is one of the tragedies of history that through the curse of civil war his talents were devoted to defeating the armies, rather than promoting the good government, of his native land. He was bound to fail in his venture, and his shameful end places him among pathetic figures like the Gracchi, Scipio Aemilianus, the younger Drusus. Hunted as a rebel, with a price on his head, he was loyal to any Rome except the Rome of Sulla.

V. THE DEMANDS FOR A RESTORATION OF THE *TRIBUNICIA POTESTAS*

In the absence of the armies and their commanders, politics at Rome pursued a comparatively tranquil course. Gaius Caesar was able to make a quiet start in public life with two laudable undertakings in the courts: in 77 B.C. he prosecuted Gnaeus Dolabella for extortion in Macedonia, and also acted for the plaintiff Greeks in a civil suit for recovery against one of Sulla's agents, C. Antonius Hybrida, son of the orator and the future colleague of Cicero[1]. Next year Cicero, too, was back at work in Rome. But the absorbing interest of this period was the plight of the tribunes. In 76 B.C. an agitation was started by one Sicinius, himself a holder of the office: and though the unbending opposition of the consul, C. Curio, frustrated his immediate efforts, to him may belong the credit of having moved one of the consuls of 75 B.C. to take a more favourable view.

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[1] For the date of this incident see Sallust, *Hist.* ed. B. Maurenbrecher, Prolegomena, p. 77.

C. Aurelius Cotta, whose colleague L. Octavius was a man of utter insignificance, came of a family among the most interesting in Rome. Gaius was the eldest of three brothers, all nephews of the estimable P. Rutilius, and was himself a courageous reformer: of Marcus, his successor in the consulship, less is known: but Lucius, the youngest, is the friend whom Cicero held in high esteem. More significant still, Aurelia, the mother of Julius Caesar, was a relative—probably a first cousin: and we know that to his mother Julius owed not a little of his political outlook. These Cottae were a family outstanding among the Whig nobility[1]: Gaius had been intimate with the younger Livius Drusus and had even retired from Rome to escape the attentions of the Varian Commission. True, his restoration had been due to Sulla; but in the whole oligarchy it would have been hard to find a leader more sympathetic to any real grievance. The tribunes still carried on their agitation—this year through the mouth of Q. Opimius; but all this would have meant nothing without the goodwill of Cotta. Despite senatorial reluctance he somehow contrived to pass a bill which relieved the tribunes of their disability to hold other office. This was an ominous concession: it was the complete abandonment of Sulla's plan to destroy the tribunate by closing it to men of spirit and ambition, and it meant that henceforward, as before the time of Sulla, tribunes would be a power in public life. Yet this surrender does not seem to have been wrung from the Senate by force: there is no evidence of constraint, and the reform must rather be ascribed to the liberal outlook of Cotta and to his ability to prevent any successful resistance by the extremists on his own side.

The Senate was not long in repenting. Next year it vented its indignation on the luckless Opimius; and Cotta himself, unless our evidence is deceptive, soon came to regret his action. Another of his measures—an enactment of unknown content *de iudiciis privatis*—was repealed in the following year; but, when Cicero records[2] that the consul of 75 B.C. himself made a proposal in the Senate for the abrogation of his laws, it is only possible to justify the plural by the assumption that Cotta had changed his mind on the expediency of his *lex de iure tribunorum*. Whatever be the truth about this, the act remained in force and produced its natural result: now that young politicians might hold the office without detriment to their careers, they demanded more insistently than ever that all its old powers should be restored. In 74 B.C. the agitation was continued by another tribune, L. Quinctius, and in the year after by the historian C. Licinius Macer: but Quinctius was somehow reduced to silence by L. Lucullus[1], and the only point of interest in the activities of Macer, if the speech put into his mouth by Sallust[2] in any way expresses his real views, is his frank recognition that contemporary politics were a farce and that the issues of the day would be decided by Pompey on his return from Spain.

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[1] See Sallust, *Hist.* III, 48, 8 M.

[2] See Asconius, p. 66 c.

For five years now the tribunes and their friends had struggled with adversity, but the fruits of persistence scarcely gave cause for pride. The only progress made towards the emancipation of the office was due more to the charity of C. Cotta than to any efforts of their own. It is true that the needs of the masses had not been completely ignored. The scarcity and high price of corn had come near to provoking a riot in 75 B.C.[3], and two years later a consular law was introduced which did something to relieve the shortage. The Lex Terentia Cassia, which took its name from M. Lucullus and C. Cassius Longinus, sought to accelerate the flow of Sicilian corn to Rome and at the same time authorized the distribution of five *modii* a month—a prison ration[4]—to a body of recipients who probably did not exceed 40,000[5], apparently at the old Gracchan price of 6⅓ *asses* a *modius*[6]. Likewise it presumably gave some general satisfaction when Cn. Lentulus Clodianus, a consul of 72 B.C., introduced a bill to cancel Sulla's remission of payment to those who had bought property set free by the confiscations[7]. The measure, in the end, did not become law, but effect seems to have been given to its intentions by several decrees of the Senate passed soon afterwards[8].

Even this step, however, was taken less to satisfy the popular resentment against Sulla's creatures than through the compelling necessity of a financial crisis. Already in 75 B.C. the drain of wars in Asia, Macedonia and Spain—to which by now the campaigns against Spartacus must be added—had threatened the Treasury with bankruptcy[1], and the clamant demands of the generals, especially Pompey, were only met with difficulty (p. 324). The plain fact was that in the years from 78 to 71 B.C., when its enemies still lacked the backing of a successful general, the Sullan constitution on the whole stood firm: a foolish concession to the tribunate had been made through the influence of C. Cotta, and the fate of the Senate had already been sealed by the appointment of Pompey to his Spanish command. But the failure of the tribunes to recover their pristine powers is not to be denied, and the solid resistance which the government could oppose to their attack serves to emphasize the folly of the weakness which had allowed Pompey to build up a military power in Spain.

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[1] Plutarch, *Lucullus*, 5, 4.

[2] Sallust, *Hist.* III, 48, 21–3 M.

[3] *Ib.* II, 45 M.

[4] *Ib.* III, 48, 19 M.

[5] Cicero, II *in Verr.* III, 30, 72: see M. Rostowzew in *P.W.* *s.v* Frumentum, col. 174.

[6] Asconius, p. 8 c., where it is to be observed that *SPM* agree in reading 'senis'; cf. Cicero, *pro Sestio*, 25, 55.

[7] Sallust, *Hist.* IV, 1 M; and, for the date, *ib.* Prolegomena, p. 79.

[8] Cicero, II *in Verr.* III, 35, 81.

VI. THE WAR OF THE GLADIATORS

In 73 B.C. attention was diverted from the struggles of the Forum to an outbreak of domestic war in Italy[2]. Servile discontent had long been a familiar menace, but on this occasion the lead was taken by a type which, though peculiarly dangerous, had not been in the forefront of earlier revolts. Seventy-four gladiators in an establishment at Capua suddenly broke loose and, seizing such weapons as they could find, retired to the summit of Vesuvius. Thence they defied authority and rallied recruits at an alarming speed. Whereas the Servile Wars in Sicily had been waged by slaves of Asiatic origin, the Italian rising was mainly the work of Europeans. Gauls and Thracians formed the backbone of the rebel forces, with an admixture of captives from the Teutonic invasions. Leadership was supplied by the Thracian Spartacus, who in earlier days had seen service with the Roman armies, and by two Gauls, Crixus and Oenomaus. The efforts of the government to circumscribe the trouble met with no success. Operations began with an attempt by C. Claudius Glaber, a praetor of 73 B.C., to surround the rebels on Vesuvius, and ended, after an unbroken series of defeats, by leaving them masters of all southern Italy. Recruits now flowed in more rapidly than ever, and in the course of the winter so large a force collected that, when the new campaign began, Spartacus and Crixus were each at the head of an independent army. But, unlike the leaders of the Sicilian revolts, they lacked a consistent plan. The far-seeing Spartacus had no illusions about the danger of their plight. Italy would not fall permanently under the control of a band of slaves; and, if not, it was his business to lead his men out of the peninsula while time remained. Once across the Alps they might perhaps scatter to their homes with some hope of safety. Crixus, however, unable to tear himself away from the plunder of the south, condemned his following to an aimless policy of brigandage foredoomed to failure.

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[1] Sallust, *Hist.* II, 47, 6–7 M.

[2] On the outbreak of the Third Mithridatic War in 74 B.C. see below, p. 358 *sq*.

In 72 B.C. the Senate took energetic action. The two consuls—L. Gellius Publicola and Cn. Lentulus Clodianus—were each given armies to concentrate on the menace of the slaves. But though Gellius, or one of his lieutenants, ran down the wilful Crixus near Monte Gargano and destroyed him with all his force, the two together could make no impression on the more cautious Spartacus. In accordance with his considered scheme to break out of Italy across the Alps, Spartacus was moving northwards, with Gellius on his heels and Lentulus seeking to intercept him from the front[1]. Somewhere in Picenum two battles were fought in quick succession: first Lentulus and then his colleague were defeated so decisively that the Senate saw fit to supersede them both. Meanwhile Spartacus pressed on to the north, and at Mutina he opened the way to the mountains by routing an army under C. Cassius, proconsul of Cisalpine Gaul. But then came a fatal change of mind. It was doubtless easier for the army as a whole to escape from Italy than for the various contingents to make their ways home from the frontier through territory largely under Roman occupation. Whatever the reason, the day of parting never dawned: instead, the host turned again towards Italy, and it was probably at this time, if at all, that Spartacus toyed with the idea of an attack on Rome itself[2]. So rash a project deserved no consideration, but much might be said in favour of an attempt to seize Sicily for the rebel cause—for among the slaves of Sicily the rebels could count on whole-hearted support. This was the object with which Spartacus retraced his steps, making back to his old haunts among the Bruttii.

In place of the discredited consuls the Senate chose as its new commander in the field M. Licinius Crassus, now praetor. Crassus was a man by no means susceptible to the glory of facing fearful odds: to the remnants of the four legions of the consuls, which losses had perhaps reduced to the equivalent of two[1], he added six more, and with this imposing host he set out to prevent Spartacus from reaching the Straits. Before long one of his subordinates sustained a slight reverse, which Crassus used as an excuse for decimating an unsteady cohort—with the most beneficent results to the morale of the remainder. Then followed various engagements, the result of which was to drive Spartacus to Rhegium, whence his attempts to cross to Sicily were frustrated, to some extent through the exertions of Verres. At this juncture Crassus set his hand to a scheme which, if it does little credit to his intelligence, at least reveals the dimensions of his army. He began to build a wall, thirty-seven miles long, right across the toe of Italy, hoping thereby to confine the rebels to a region wherein starvation would reduce them to surrender. But, though the mountains of the neighbourhood gave generous aid to the defence, not even the army of Crassus could hope to hold all vulnerable parts of the line in strength enough to resist the onslaught of the rebels if Spartacus concentrated his whole force on a single sector. When the rebels tried to break out, they did so without much difficulty.

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[1] The problems of the later phases of the war against Spartacus are discussed by T. Rice Holmes in *The Roman Republic*, I, pp. 386–90.

[2] This incident is dated thus by Florus—II, 8 (III, 20), 11, and more credibly than by Appian (*Bell. Civ.* I, 117, 545), who puts it immediately after the victories over the two consuls.

Open warfare was now resumed, and its resumption, or the prospect of it, seems to have prompted a move at Rome which spurred Crassus to more feverish efforts. As the result of an agitation, in which it may be safely conjectured that the masses played a more active part than the Senate[2], Pompey, who had just returned from Spain, was commissioned to take his army south and co-operate with Crassus. It had been the intention of Spartacus, after the failure of his Sicilian plan, to escape from Italy by way of Brundisium, but retreat in that direction was suddenly blocked by the arrival of M. Lucullus with his victorious army from the Black Sea (see below, p. 357 *sq.*). Thus the only way left open to the rebels was the northern route which they had followed the year before, and this the forces of the government made it their business to close. The position of Spartacus was dangerous; and its dangers were increased by new dissensions among his friends. Two Gauls, Castus and Cannicus, formed a following of their own; and, when they took to independent action in the style of Crixus, Spartacus and the main body found themselves occupied more in saving the discontents from the results of their folly than in their proper business of defeating Crassus. At length, after various engagements, Castus and Cannicus were destroyed in a battle fought among the mountains between Paestum and Venusia, whereby the back of the revolt was broken. Spartacus retreated southwards for a time, but a slight success is said to have encouraged his men to insist on another general engagement. Then at length, before Pompey had time to arrive, the last army of the rebels was routed and the war was over. Nothing remained but to round up the fugitives—an easy task in which Pompey thrust his unwelcome help on the reluctant Crassus. The work was quickly done: six months after his appointment Crassus had the satisfaction of staging the final scene, wherein six thousand prisoners were revealed crucified along the Appian Way from Capua to Rome.

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[1] This is conceivably the meaning of the source behind Appian, *Bell. Civ.* I, 118, 549.

[2] This is the plausible suggestion of Appian (*Bell. Civ.* I, 119, 554).

Like Eunus and Salvius, Spartacus is a tragic figure, but the significance of his career is small. So far as his own achievements went, he did nothing more than repeat in Italy the warning which twice already had been given across the Straits. True, the devastation of the South was severe, and enough of the lesson was remembered to prevent the recurrence of gladiatorial outbreaks on anything like this scale again. But the most notable legacy of the affair was its results on Pompey and Crassus. Crassus was left with a belief, by no means without foundation, in his own gifts as a military commander and with a deep-seated dislike of Pompey which, though Crassus was not a man of bitter disposition, always stood in the way of their effective co-operation. Pompey, indeed, had played the cad to gratify his invincible conceit; for, though his Spanish campaigns had earned him undisputed laurels whose glory far outshone the most that could be won in a servile war, he resolutely set himself to scrape a further meed of praise by pretending that the credit for the end of the Italian rising belonged as much to him as to his colleague. Crassus did not openly protest; but the bad feeling thus implanted lasted till his death and was a ponderable factor in Roman politics.

VII. THE FIRST CONSULSHIP OF POMPEY AND CRASSUS

The two marshals now advanced on Rome, where the Senate was even more defenceless than in 77 B.C. L. Lucullus, the most experienced of the generals on whom it could depend, was irrevocably detained by the command in Asia which had cost him such efforts to obtain (p. 359). M. Antonius was already dead, and would have been useless had he been alive. Metellus Pius, who had not yet arrived from Spain, was no match for a Pompey in the field, nor was he the sort of man to fight his way through the rough-and-tumble of a crisis: it was typical of his unfailing respect for the law that, when at length he did return, he broke up his army as soon as it had crossed the Alps. Besides these a few others could be named, but there was only one man in Italy who might have struck a blow for the Senate—M. Lucullus, lately back from his campaign in the Dobrudja. The odds, however, against him were long: he made no move on his own account, nor was he invited, and so without resistance the Senate went meekly to the sacrifice.

Crassus, praetor in 72 B.C., was due in the normal course to hold a consulship in 70, and nothing debarred him from becoming a candidate; but with his rival the case was different. There was no sort of doubt that, if Crassus was to be consul the following year, Pompey would insist on being his colleague. But, under the Sullan *lex annalis*, there were two fatal obstacles to his consideration: he was still six years below the minimum age required for the office, and he had never held the necessary preliminaries—the quaestorship and praetorship. Nevertheless, with suave assurances that it was all due to the delay in the return of Metellus Pius and that, as soon as they had celebrated their triumphs together, the armies would be disbanded, Pompey sat with his legions at the gates of Rome. And not only so: by announcing that he would support the removal of all trammels from the *tribunicia potestas* he won the frenzied enthusiasm of the masses. Such were the circumstances in which the Senate began to discover that the obstacles in the way of his election were not insuperable.

The triumph itself had still to be voted; but this was duly done, and before long the Senate had dispensed him from the laws by which at present he was disqualified for the consulship. Herein the latent power of the legions was decisive. The negotiations between Pompey and the Senate were conducted, indeed, with every appearance of politeness; but the Senate was not a free agent, and there is no doubt that, had it attempted to refuse the dangerous and illegal demands of the man whose professed object was to expose it once more to the attacks of a tribunate freed from all restraint, the legions would have entered Rome. There is, of course, no need to deny that the tribunate had its value for the Senate, as for the Senate's enemies (pp. 26 *sq.*, 315); but it was not for the sake of any advantage it would bring the oligarchs that the rabble clamoured for this measure and Pompey gave it his benediction. By yielding to his claims to a consulship, the Senate put itself in the hands of one who did not conceal his hostility, and an enemy was left free to work his will on a constitutional system which, skilfully as it had been constructed by Sulla, could never remain intact without constant and energetic defence. Nevertheless, the Senate can scarcely be blamed for its action. Now, it was at the mercy of the Spanish army: the irreparable damage had been done six years before, when Pompey was given his command.

When his own troubles had been overcome, Pompey had still to face the question of a colleague, but this was made easy by the presence of Crassus. There was, indeed, every reason to indulge his legitimate aspirations; for Crassus commanded the respect of that powerful financial class to which, much as it engaged his sympathy, Pompey himself did not belong. So the appreciative plutocrat, after the honour of personal support from Pompey in his canvass, found himself elected to the consulship for what was to be the most memorable year in Roman history since the death of Sulla.

Before any consideration of its legislative achievement, something must be said about the general political situation when Pompey and Crassus took office on 1 January 70 B.C. The Sullan constitution had already failed. In its more controversial aspects that system had been designed to attain two ends—to give the Senate effective control over the military commanders and to free public life from the disturbing activities of the tribunes. The former of these was the more essential, as well as the more difficult, to secure; but all the plans drawn by Sulla towards this end had already been torn to shreds. The appointment of Pompey to Spain in 77 B.C. and his election to the consulship in 71 were incidents precisely of the kind which Sulla had sought to make impossible: when they occurred, the failure of Sulla's safeguards was revealed, and on this side at least no legislation was needed to overthrow the Sullan constitution, because that edifice already lay in ruins. With the tribunate the case was little different. Sulla's attempt to destroy the office had been frustrated by the Lex Aurelia of 75 B.C. By the passage of that measure able men were again invited to become tribunes, as they had done before Sulla's time; and once such men were allowed back in the office, it was only an inevitable consequence of their return that its powers should be restored to all their old dimensions.

On another matter, however, something was left to the free initiative of the consuls. The degradation of the Gracchan *iudices* had justified Sulla's recruitment of the juries from the Senate; but by now the senatorial jurors had shown themselves to be as corrupt as their predecessors, and the administration of criminal justice was calling again for reform. For several years scandals had been piling up. The acquittal of Cn. Dolabella in 77 B.C. did nothing to increase public confidence in the courts, and in 74 there had followed the outrageous case of the elder Oppianicus. Whether that individual was guilty of an attempt to poison his step-son Cluentius or not, nobody seriously denied that the trial had been disfigured by unblushing bribery—bribery so blatant that it immediately became the theme of political controversy[1]. Under the assiduous care of the tribune Quinctius[2] the affair was turned into productive capital by the enemies of the Senate, and thenceforward the composition of the juries was once more a foremost issue of the day. Three years later definite proposals were in the air: M. Lollius Palicanus, tribune of 71, is said to have urged that jurors should be drawn from three orders—senators, *equites Romani* and *tribuni aerarii*[3]. And, more important still, at the same time came an assurance that action would follow words. Pompey, a true *popularis* in his demand for efficiency, knew that the government of the provinces was corrupt and that it could not be purged until honest courts sat again in Rome. In a speech delivered soon after his election to the consulship he dwelt on this abuse and, when he announced his intention to tackle it himself, the loud applause showed that he had widespread support[4].

The significance of this must not be overlooked. There is no reason to believe that men like Pompey and Crassus were deeply stirred by the troubles of the tribunate: the restoration of its powers was a bone flung to certain sections of the rabble whose goodwill might be of use. But the constitution of the criminal courts was a very different matter. Pompey undoubtedly had ideals of administration which for his day were high, and a man with the connections of a Crassus could not fail to stand for a return to the Gracchan *iudices*. Thus both consuls had an interest in this question of the courts, and it may not be far from the truth to say that this was the issue for which they chiefly cared. Q. Catulus at least—a responsible person, soon to be Princeps Senatus—went so far as to assert that, if only honesty were established in the courts, the grievance about the tribunate would die down[5]; and Cicero himself regarded the flagrant corruption of the juries as the foundation of the whole case against the senatorial government[6].

When the new year began, the consuls set to work forthwith, each in his own fashion. While Crassus regaled the populace with

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[1] The extent of the abuse at this time can be gathered from Cicero, I *in Verr.* 13, 38–9.

[2] Cicero, *pro Cluentio*, 28, 77 and 29, 79.

[3] Schol. Gronov. B, *ap.* Stangl II, p. 328.

[4] Cicero, I *in Verr.* 15, 45.

[5] Cicero, I *in Verr.* 15, 44.

[6] *Div. in Caec.* 3, 8–9.

Gargantuan entertainment, Pompey carried a law to satisfy the tribunician agitators. The tribunes had now recovered everything of which they had been deprived by Sulla; the last had been heard of a tiresome grievance; and the way was open for fresh experiments in ochlocracy. But the reform of the judicature was a more difficult, as well as a more important, task. A preliminary measure was the revival of the censorship, to which the consuls of 73—M. Lucullus and Cn. Lentulus Clodianus—were appointed. According to Cicero[1], hopes were entertained that censors would be able in some degree to raise the standard of honesty in the administration of justice; and it was at least beyond dispute that, so long as any jurors were drawn from the Senate, the censors could see that no man remained eligible who was notoriously unworthy of his place. Doubtless the courts were none the worse for the loss of the sixty-four senators ejected on this occasion. But by now public opinion seems to have been roused to a pitch of resentment not likely to be content with a remedy which depended on an office so arbitrary in its working as the censorship; and, moreover, the censors could do next to nothing to gratify the yearnings of the business interests for a place in the courts.

The enemies of the Senate were determined: their cause was good, and the opportunity bid fair. To popular indignation at the scandals of the past was added widespread alarm at the state of provincial administration. It was in January of 70 B.C. that C. Verres returned to Rome from Sicily after a three years' governorship in which rapacity had cast all concealment aside. Scarcely had he arrived when there appeared embassies from every State in the island save Syracuse and Messana, all clamouring for his indictment on a charge of extortion. But, though the loudness of these demands could leave little doubt that the grievances were not wholly imaginary, Verres had powerful friends. The orator Hortensius, destined for a consulship next year, was his most doughty champion, and behind Hortensius stood other leading members of the aristocracy. There was P. Cornelius Scipio, later adopted by Metellus Pius and subsequently father-in-law of Pompey himself: there were no less than three Metelli, all brothers and probably the sons of Metellus Caprarius. These brethren were valuable allies. One of them, Quintus—later surnamed Creticus, was to be colleague of Hortensius as consul in 69 B.C.: another, Marcus, as praetor in the same year obtained the presidency of the *iudicium publicum* for the crime on which Verres was arraigned: and the third brother, Lucius, was his successor as proconsul of Sicily.

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[1] *Div. in Caec.* 3, 8.

Against this formidable array the Sicilian cause was led—not, indeed, until at the cost of some delay he had brushed aside a dishonest rival acting in collusion with the defence—by Cicero, who was now the outstanding figure of the younger generation at the Roman Bar and who had won the goodwill of the provincials by the honesty of his conduct as quaestor at Lilybaeum in 75 B.C. Under the wily guidance of Hortensius the defence had recourse to subterfuges of impressive ingenuity, aimed above all at securing a postponement of the trial till the following year, when some of Verres' firmest friends would be in office; but all their tricks were confounded by Cicero's resource, and in August the case came on. In face of the overwhelming evidence Hortensius virtually abandoned his brief; Verres retired to exile; and the Sicilians had won. For Cicero the result was triumphant. In the courts henceforward he was admittedly supreme, a pleader to whom Hortensius himself must yield place[1]; and in the world of politics he became a power. Without delay he followed up his success. By publishing, in the form of five set speeches, the whole material collected by the prosecution he damningly impeached not only the character of his victim but the outrageous abuses in the provinces made possible by the lack of central control over the agents of the government abroad. The career of Verres was another reason why the *quaestio repetundarum* should be placed above reproach.

Adequate reform through the censorship alone was an idle dream: Cato himself could not have removed from the Senate men like Hortensius and the other friends of Verres. For the revival of the office by Pompey and Crassus some other reason may well be sought; and, though the connection of the censors with the juries will soon appear, a secondary reason is not difficult to suggest. In the Imperial age, when the equestrian order began to produce able administrators whose service was desired in posts customarily reserved for senators, the Emperors made use with increasing frequency of the *ius adlectionis*, whereby men of mature years could be enrolled in the Senate with the status appropriate to their age. This right was a feature of the *censoria potestas*, and the purpose it served was one near to the hearts of men who, like Pompey, contended for the opening of the public career to merit in whatever ranks of society it was found. Had censors been regularly appointed, it is scarcely probable that Pompey would have remained outside the Senate until he entered it as consul—a consul so completely unfamiliar with the House that he was constrained to persuade his friend M. Varro to write a handbook of procedure for his guidance[1]. The censorship, in fact, had two kinds of use in this connection: besides purging the Senate of undesirables, it could admit the forceful genius whose progress Sulla had essayed to baulk. It opened a way round the odious *lex annalis*, and it may be surmised that this was a consideration which weighed with Pompey when he consented to its renewal.

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[1] Cicero, *Brutus*, 93, 319–94, 323.

Positive proposals for a re-constitution of the courts were left to a praetor, L. Aurelius Cotta—a younger brother of the consul of 75 B.C. The drafting of a bill seems to have taken time; for, when the prosecution of Verres began on 5 August, the Sullan arrangements were still in force. Whatever the stages by which the final scheme was reached, details of the negotiations are lost beyond recall. All we know is the outline of the measure which in the end became law, and even here there are exasperating gaps in our information[2]. Henceforward the juries in the *iudicia publica* were to be composed in equal parts of senators, *equites Romani* and *tribuni aerarii*. So much at least is clear: but about the definition of the two latter classes no certainty can be attained. It may be said at once that, for reasons suggested elsewhere (p. 895), there is no necessity to assume that the 'equites Romani' of the Lex Aurelia were defined by the formula wherein the positive qualifications of the Gracchan *iudices* had been set forth. Admittedly it is conceivable that the relevant form of words was taken without change from the Lex Acilia; but there is nothing to prove that this was so. Indeed, probability is somewhat against the suggestion; for Gracchan *iudices* had disgraced themselves in the case of Rutilius no less signally than senators had done in more recent years, and it is not easy to see how any great improvement could be expected from a scheme which divided the majority of the places on every jury among two classes both of which had already proved unfit.

The appearance of the *tribuni aerarii* in connection with the courts as constituted by the Lex Aurelia[3] may be thought to imply that in the law they were named as such; for it is hard to believe that so obscure a title would have come into the tale at all if, as is often supposed, its only relevance lay in the fact that the monetary qualification alleged to have been required of candidates for a place on the third panel happened to be the same as that of these unfamiliar officials. The original functions of these tribunes is largely a matter of conjecture; but whether they were the heads of the tribes, as Mommsen supposed[1], or not, the explicit evidence of Varro[2] records that it was they who at one time acted as paymasters of the troops—a duty which may reasonably be supposed to have been reserved for men of substance and good repute. By the last century of the Republic the office seems to have become a sinecure. Its financial duties had been usurped by the quaestorship, and any general supervision of tribal business which it may once have exercised had apparently passed to the *curatores tribuum*[3]. Nevertheless, it is probable that *tribuni aerarii* continued to be appointed: during the Ciceronian age they appear more than once as an *ordo* in the State, in contexts without special reference to their judicial privileges under the Lex Aurelia[4]. The property qualification required in holders of the office is unknown, though there is some suggestion that it was HS 300,000[5], and by a still more unfortunate failure of our authorities we are without any effective evidence for their numbers or for the length of their continuance in office.

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[1] Gellius, *N.A.* XIV, 7, 2.

[2] In *Rendiconti*, Serie V, vol. XXXII, 1923, p. 84, it was announced that on 20 May 1923 V. Scialoja communicated to the Lincei two bronze fragments bearing parts of a *lex iudiciaria* either to be identified with the Lex Aurelia or to be closely related thereto: but the texts, published in *Studi Bonfante*, vol. I (Milan, 1930), pp. 3 *sqq.*, throw no light on the provisions of the Lex Aurelia.

[3] The most important evidence is that of Asconius, p. 17 C.

If the *tribuni aerarii* were mentioned by that name in the Lex Aurelia, probability would strongly favour the view that the *equites Romani* were likewise defined as such. The law did not content itself with requiring a minimum amount of property, but insisted that jurors should have held certain positions in public life: one class must have occupied the office of *tribunus aerarius*, the other must have been *equites* in some fuller sense than that of merely owning as much property as was demanded of candidates for the *equus publicus*. This conclusion—that the second and third panels of the Lex Aurelia were more than mere property-classes—is supported, though not finally proved, by a passage in which Asconius[6] describes a modification of the Lex Aurelia proposed by Pompey in 55 B.C.: as before, jurors were to be chosen from the three *ordines* of senators, *equites* and *tribuni aerarii*, but henceforward in each case a higher census was to be required. Thus it is possible to conclude that the third panel was recruited from those who not only had more than a stated minimum of property but also held the office of *tribunus aerarius*, the second from those who, besides attaining a somewhat higher assessment, were *equites*

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[1] *Staatsrecht*, III, p. 189.

[2] *L.L.* 5, 181; cf. Festus, p. 2 L.

[3] See Mommsen, *op. cit.* III, pp. 190 *sq.*

[4] Cicero, *pro Rab. perd. reo*, 9, 27; *in Cat.* IV, 7, 15; *pro Plancio*, 8, 21.

[5] Schol. Bob. *ap.* Stangl, II, p. 91; Suet. *Aug.* 32, 3.

[6] P. 17 C.

Romani in some fuller sense—presumably because they held the *equus publicus*. It only remains to add that, since the Roman knights apparently surrendered the public horse before they reached the age of forty[1], considerations of age and numbers virtually demand the supposition that for purposes of jury-service 'knights' meant holders of the public horse past as well as present. If that be true, it may be conjectured that the term *tribuni aerarii* included those who had held this office besides those who retained it at the moment[2].

If what is said below about the Lex Acilia is not mistaken (pp. 892 *sqq.*) and if such an account of the Lex Aurelia is not completely wrong, the aim of Cotta becomes clear. The attempt of Gaius Gracchus to recruit his juries from the whole population outside the Senate which owned more than a certain fixed amount of wealth had ended in the scandal of Rutilius. Senatorial juries, in the days when Sulla had freed the Senate from censorial control, had proved no better. But now, while the business men were granted their demand for re-admission to the *iudicia*, opportunity was taken to arrange that the panels should be formed from classes which were regularly under the supervision of the censors. It was the duty of these officers to exclude all persons of bad character from the Senate: it was they who bestowed the *equus publicus*, for which evil living was a bar: and it may be assumed that men like the *tribuni aerarii*, whose business was to handle money, were not wholly exempt from investigations of their integrity. There is, in fact, a possibility after all that the revival of the censorship and the passing of the Lex Aurelia Cottae fell in the same year by something more than a coincidence.

One more point, and the judiciary reform may be left. The recruitment of the juries from three separate panels has led many historians to describe the Lex Aurelia as a compromise. A compromise it was, in a certain sense. If the issue lay between the claims of senators and those of wealthy men outside the House, both parties to the quarrel still found themselves represented in the courts. But it would have been strange if a measure passed under the aegis of Pompey and Crassus had shown strict impartiality, and, as might be expected, the Lex Aurelia marks a definite victory for the business interests. For the practical purposes of daily life *tribuni aerarii* were indistinguishable from *equites*: the Scholiast of Bobbio[1] calls them 'men of the same order' and Cicero[2] addresses the non-senatorial members of a jury collectively as 'equites Romani.' Thus, so far as its political aspect was concerned, the Lex Aurelia left the Senate with only half as many places on the juries as its rivals, and no doubt was possible about the side which emerged victorious. Nevertheless, the measure was not unworthy of its author. Commercial interests had their representatives in the courts: the Senate, though its monopoly was gone, still could not raise a real grievance: and juries henceforward were to consist of men who all at different times had won the chary approval of the censors.

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[1] Plutarch, *Pomp.* 22, 5–6. Cf. Suet. *Aug.* 38, 3 and Mommsen, *Staatsrecht*, III, p. 261, n.

[2] The evidence for this difficult question is set out and discussed by J. L. Strachan-Davidson in *Problems of the Roman Criminal Law*, II, pp. 84–95, and by T. Rice Holmes in *The Roman Republic*, I, pp. 391–5: their conclusions, however, are not the same as those of the present writer.

With the reform of the criminal courts the legislation of 70 B.C. was complete. What fired the imagination of the masses was the tribunes' recovery of their old prerogatives; but neither this, nor the revival of the censorship, nor Cotta's honest effort to grapple once more with the recurrent problem of the courts could claim significance comparable with that of the consuls themselves. Their election, due as it was to the compelling presence of their troops, had proclaimed the failure of Sulla's scheme to banish the army from politics. Once again the devotion of the legions had become the key to office, and Rome had now resumed her inevitable journey on the road to civil war.

VIII. TRIBUNICIAN LEGISLATION AGAIN: THE REFORMS OF 67 B.C.

Ominous as their consulships might be, the government of Pompey and Crassus had been the mildest yoke. At the time of the elections, though it would have been easy for them to insist on the appointment of their own nominees, they refrained from the obvious attempt to establish an enduring hold on affairs and were content to acquiesce, apparently without resistance, in the choice of successors who stood for the Sullan ideal—Q. Hortensius, the orator, and Q. Metellus (afterwards surnamed Creticus). The same thing happened again with the consulships of 68 B.C., which went to L. Metellus, the governor of Sicily after Verres, and Q. Marcius Rex—both of whom were apparently of the optimate persuasion. For the moment the Senate seemed to have regained control. Pompey and Crassus, their armies at length disbanded, were in retirement, and during the years 69 and 68 B.C. public life in Rome pursued a placid course. Such was the tranquillity that men had time to notice an incident of the most trivial kind. Sometime in 69 or 68 B.C., shortly before he left Rome to serve his quaestorship in Further Spain, the young Julius Caesar lost two of his female relatives. One was his wife Cornelia, the daughter of Cinna, whom he had refused to divorce at Sulla's behest; the other, his aunt Julia, widow of C. Marius. At the obsequies it was observed with interest that the family connection with Marius was stressed: Caesar's adherence to the *populares* was to be put beyond all doubt. Moreover, in the *laudatio* of his aunt, he took care to recall that her lineage—and his own—claimed origins which on one side were royal, on the other divine. In later days this passage was remembered[1]. When he piled one dictatorship on another, and finally became dictator for life, men might be pardoned for wondering whether even at this early stage the young Julius had conceived monarchy to be Rome's only hope and had begun to consider himself as a candidate for the throne.

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[1] Stangl, II, p. 94.

[2] *pro Flacco*, 2, 4; *pro Rab. Post.* 6, 14.

Though the consulships of 67 B.C. again were won by two sound conservatives—C. Calpurnius Piso and M'. Acilius Glabrio—there were signs that the Senate's grip was weakening. The consuls had only been elected after flagrant bribery, and, worse still, for the first time since the dictatorship of Sulla the tribunician college contained two *populares* of unbounded energy and determination. C. Cornelius and A. Gabinius were an ill-assorted pair. Of Cornelius, who had been a quaestor of Pompey, nothing but good is known, but the character of his colleague, though personal spite explains much of Cicero's later indignation, must have done something to invite the venomous attacks which only ended with his exile. Yet, different as their private lives may have been, in public these two carried a series of reforms which have often missed their proper meed of praise. The merits of their achievement must not be ignored merely because, unlike the younger Gracchus, they were content with a modest programme which might reasonably be enacted within the limits of a single year.

Whether by conscious arrangement or not, the work was so divided that, while Gabinius had charge of measures affecting provincial interests, Cornelius took over those which more directly concerned the government at home. The exact sequence of events is variously recorded, but in this case chronological precision is fortunately of small importance for their interpretation.

The two main proposals of Cornelius are both aimed at abuses which chance to be connected with the name of the consul Piso.

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[1] Suet. *Div. Iul.* 6, 1.

First and foremost came a measure described by Mommsen, perhaps with some exaggeration, as 'a regulation which may well be compared with the law of the Twelve Tables, and which became almost as significant for the fixing of the later urban law as that collection for the fixing of the earlier[1]'—the Lex Cornelia 'ut praetores ex edictis suis perpetuis ius dicant.' In the Roman world so large an area of the legal field was covered, not by statutes, but by the common law and equity embodied in the edicts of the *praetor urbanus* and of provincial governors (pp. 863 *sqq.*) that, in the absence of an assurance that judicial officers would rigidly adhere to the principles which their edicts set out, there was the gravest danger of litigants finding their acts judged, not by the provisions contained in the edict at the time when those acts were committed, but by some different rules enunciated later. The objections to such a practice are plain: whenever it occurred, it involved one of the most dangerous abuses—retrospective legislation. Though corruption cannot be detected in the case wherein Piso himself appears[2], and though it is perhaps less certain than Mommsen would imply that the administration of the urban praetors gave ground for criticism, there is evidence enough to show that, in the provinces at least, dishonest magistrates had been ignoring their edicts to gratify such parties in the courts as would make it worth their while[3]. This scandal Cornelius set himself to stop, and, by a reform which may well be among the beneficent consequences of Cicero's attack on Verres, he ordained that for the future it should be an offence for magistrates to administer justice otherwise than in accordance with the rules they had published on entering office. Henceforward, as Mommsen observes, 'the edict was no longer subordinate to the judge, but the judge was by law subject to the edict.' The importance of the measure depends on the extent of the abuse; but if such malpractices were of more than the rarest occurrence, the Lex Cornelia may justly be claimed as one of the foundations of the rule of law throughout the empire.

The other proposal of Cornelius was directed against bribery at elections—a problem raised afresh by the methods employed to win office for the consuls of the year. His bill was one of great severity, designed not only to increase the penalties incurred by the principals who supplied the money but also to extend the threat of prosecution to the *divisores* who distributed it among the voters. Its severity, indeed, was so great as to provide the Senate with grounds for opposition. Alleging that such an enactment would defeat itself by deterring both prosecutors and juries from applying so rigorous a law, the Fathers instructed Piso himself to prepare a less Draconian draft. This in the end Cornelius accepted, and the disreputable consul was able to leave as the monument of his office a Lex Calpurnia de ambitu—a law which, besides mulcting offenders in a fine, excluded them from public life for ever.

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[1] *History of Rome*, v, p. 434 *sq*.

[2] Val. Max. VII, 7, 5.

[3] Cf. Cicero, II *in Verr*. I, 46, 119. Cicero himself was once exposed to the temptation against which Cornelius sought to guard (*ad Att*. v, 21, 11; VI, 1, 5). The precise relation hitherto conceived to exist between the urban praetor and his edict is a matter of dispute. The evidence is acutely discussed by H. Lévy-Bruhl in *La* denegatio actionis *sous la procédure formulaire*—a book of which it must be admitted that the doctrine has so far failed to win general acceptance among civilians.

Cornelius could claim the credit for yet a third piece of salutary reform. In the course of their negotiations with the Senate, Gabinius and he were somehow led to challenge the right of that body to grant to individuals dispensation from the laws[1]. In earlier days such *privilegia* had been formulated by the Senate and then submitted to the People for approval; but in the heyday of senatorial supremacy this reference to an assembly had gradually fallen into disuse. Cornelius now came forward with the doctrine, unimpeachable in its logic, that, if the People made the law, the People alone could grant exemptions from its effect. Thus far his point is plain. But the Senate might also use its authority to tempt praetors to set aside their edicts; and, if Cornelius was trying to prevent the passing of *consulta* such as that which confronted Cicero in 50 B.C.[2], this measure must also be regarded as a reinforcement of the Lex Cornelia on the praetorian courts. Again there was opposition, and it was on this occasion that Cornelius came into conflict with his colleague P. Servilius Globulus—a conflict which later led to his prosecution on a charge of *maiestas minuta* (p. 475): but again, by consenting to compromise, he showed the sincerity of his desire for reform. His case was good, and had his aim been only to make trouble he might have raised a telling cry by obstinate refusal to yield. But Cornelius was no mere demagogue: realizing that even the smallest improvement is better than none, he agreed to a proposal that *privilegia* should be given by the Senate as hitherto, only with the provision that two hundred members must be present at the vote. By this safeguard, at least the worst kind of hole-and-corner jobs would be prevented.

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[1] The circumstances in which this question was raised are differently reported by Asconius (p. 58 c.) and Dio (xxxvi, 39, 1–2). In the opinion of the present writer, the former is to be preferred: for another view see W. McDonald, *The Tribunate of Cornelius* in *C.Q.* xxiii, 1929, p. 201.

[2] *ad Att.* v, 21, 12.

Meanwhile Gabinius had been attacking on another front. Provincial communities and foreign States from time to time had business to lay before the Senate, and these legitimate needs had been turned to lucrative account by various influential sections at Rome. Embassies arriving in the capital were met with a strange indifference. A favourable answer to their requests, even admission to the House, seemed impossible to obtain until it was borne in on the unhappy strangers that for sympathy with their case they must pay. Accordingly, large sums were borrowed from the moneylenders for bestowal on the magistrates and such other leading men as it might be necessary to buy. To end this monstrous exploitation Gabinius introduced a bill in terms originally formulated, at least in outline, by Cornelius[1]: henceforward, to lend money to provincials in Rome was forbidden, and any loans so made in contravention of the statute were to be irrecoverable at law[2]. In vain the Fathers protested that a *consultum* of 94 B.C. was sufficient safeguard: Gabinius persisted and his measure was accepted by the People. But by itself this was not enough. Bribery had been the normal means of access to the Senate, and it was idle to deprive ambassadors of the key to the Curia if the doors were to remain locked. So a second law was passed, probably in this same year[3], to confirm an arrangement already recognized[4], whereby during the month of February (and, in alternate years, during the intercalary month as well) the Senate was compelled to make the business of receiving embassies the first call on its time. Together these two measures constituted a reform which alone might mark its author as a worthy partner of Cornelius.

IX. THE COMMANDS OF POMPEY

But Gabinius has a higher claim to fame. Even at the beginning of 67 B.C. all other issues in public life had been overshadowed by the problem of the pirates. The spread of these pests and earlier attempts at their eradication are described elsewhere (pp. 350 *sqq.*, 354 *sqq.*): by now the whole Mediterranean was in their hands, and the uncertainty of the corn-supply at Rome was reflected in a rise of price. When their pockets were touched, the voters showed a righteous determination that the freedom of the seas severity, designed not only to increase the penalties incurred by the principals who supplied the money but also to extend the threat of prosecution to the *divisores* who distributed it among the voters. Its severity, indeed, was so great as to provide the Senate with grounds for opposition. Alleging that such an enactment would defeat itself by deterring both prosecutors and juries from applying so rigorous a law, the Fathers instructed Piso himself to prepare a less Draconian draft. This in the end Cornelius accepted, and the disreputable consul was able to leave as the monument of his office a Lex Calpurnia de ambitu—a law which, besides mulcting offenders in a fine, excluded them from public life for ever.

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[1] Asconius, p. 57 c.

[2] Cicero, *ad Att.* VI, 2, 7.

[3] The only direct evidence for this law is a letter of Cicero's written in 54 B.C. (*ad Q.F.* II, 13, 3). But its effect may perhaps be detected in February 61 B.C. (Cicero, *ad Att.* I, 14, 5), and its logical connection with the law about loans to provincials in Rome suggests that it was passed in the same year, 67 B.C.

[4] Cicero, II *in Verr.* I, 35, 90

Cornelius could claim the credit for yet a third piece of salutary reform. In the course of their negotiations with the Senate, Gabinius and he were somehow led to challenge the right of that body to grant to individuals dispensation from the laws[1]. In earlier days such *privilegia* had been formulated by the Senate and then submitted to the People for approval; but in the heyday of senatorial supremacy this reference to an assembly had gradually fallen into disuse. Cornelius now came forward with the doctrine, unimpeachable in its logic, that, if the People made the law, the People alone could grant exemptions from its effect. Thus far his point is plain. But the Senate might also use its authority to tempt praetors to set aside their edicts; and, if Cornelius was trying to prevent the passing of *consulta* such as that which confronted Cicero in 50 B.C.[2], this measure must also be regarded as a reinforcement of the Lex Cornelia on the praetorian courts. Again there was opposition, and it was on this occasion that Cornelius came into conflict with his colleague P. Servilius Globulus—a conflict which later led to his prosecution on a charge of *maiestas minuta* (p. 475): but again, by consenting to compromise, he showed the sincerity of his desire for reform. His case was good, and had his aim been only to make trouble he might have raised a telling cry by obstinate refusal to yield. But Cornelius was no mere demagogue: realizing that even the smallest improvement is better than none, he agreed to a proposal that *privilegia* should be given by the Senate as hitherto, only with the provision that two hundred members must be present at the vote. By this safeguard, at least the worst kind of hole-and-corner jobs would be prevented.

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[2] *ad Att.* v, 21, 12.

required had voted for his deposition that Trebellius withdrew his veto. Thereafter the bill was passed, and in its passage the forces allowed to the commander were increased. The fleet might be raised to 500 ships, 120,000 infantry and 5000 cavalry were named, and the staff was to consist of twenty-four (or twenty-five) *legati* with praetorian *imperium* and two quaestors. Once the bill was law, the tremendous powers it created were conferred on Pompey without delay: in the words of Velleius[1], 'paene totius terrarum orbis imperium uni uiro deferebatur.'

In this appointment, as in that of Marius, the *populares* were justified by the event. Though he used only a fraction of the means at his disposal, when the campaign began in 66 he cleared the whole Mediterranean by operations which lasted less than three months. But the Lex Gabinia de piratis persequendis had a significance deeper than any which could be claimed for a mere victory over the Optimates. It was a milestone on the road to monarchy. An *imperium* like that of Pompey—an *imperium infinitum aequum*—had been conferred on M. Antonius in 74 B.C.[2], but in the manner of its grant and in details of vital meaning it formed no precedent for the Lex Gabinia. In 108 B.C. the People had given the African command to Marius without reference to the Senate (p. 125 *sq.*): now they had created a power which nothing but the self-denial of the general could prevent from dominating the whole government of Rome. When he returned to Italy in 62 B.C., Pompey did, in fact, make the great refusal; but he was soon compelled to recognize his folly, and Caesar, as his term in Gaul drew near its close, knew better than to ignore the warning. Thus the ideal of Sulla was finally destroyed: the People had raised up a rival destined to depose the Senate from its supremacy for ever.

But the Lex Gabinia was more than a mere death-blow to the oligarchy: it made a positive contribution to the practice of the Augustan principate. The twenty-four *legati pro praetore* with whom Pompey was supplied suggested a development of which the full possibilities had yet to be explored. Their numbers were so great and their competence so large that, had he been so inclined, the commander-in-chief himself need never have left the capital. Each of them was equipped with authority enough to carry on active operations; and, if operations were to be conducted on several fronts at once, the general headquarters from which Pompey exercised his co-ordinating control were bound to be more or less remote from the actual scene of fighting. The old theory that supreme *imperium* should be applied by its holder in person on the field of battle had been abandoned. Once this tradition had been finally set aside, the way for advance lay clear. On this occasion Pompey did, in fact, go afloat and directed the movements of his forces, so far as possible, himself. But when in 55 B.C. the Lex Trebonia made him governor of the Spains, he drew out the potentialities already latent in the Lex Gabinia. Not for a few months, as had occasionally been done before, but for years in succession he left the conduct of his provinces to *legati*, while he himself remained at Rome. The Augustan system was now at hand. If a proconsul who stayed in Italy could govern Spain, what was to prevent him governing half the Roman empire? Save for a difference in the number of *legati* employed, the relation of Pompey to Spain after 55 B.C. was in all essentials the same as that of Augustus to the so-called 'private provinces.'

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[1] II, 31, 3. [2] Pseudo-Asconius *ap.* Stangl, II, p. 259; see below, p. 355.

Great as were the powers already wielded by Pompey, they were soon to be increased. Among the tribunes who entered office on 10 December 66 B.C. was C. Manilius, a man of dubious past, whose gambit was a measure to deal with a long-standing problem —the franchise of the freedmen (pp. 9, 96, 203). On the last day of 67 B.C. a bill was passed allowing them to vote in the same tribes as their patrons; but on the morrow it was declared invalid by the Senate. Manilius now set himself a greater task—and one which has made him famous. For long there had been growing discontent at Rome with the conduct of L. Lucullus in the East (pp. 368 *sqq.*). As a general he lacked Napoleon's touch. He failed to maintain his troops' morale, and he had won so many battles without ever winning the war that men began to despair of a victorious peace. More serious still, as an administrator his ideals were too high: his magnificent scheme of reconstruction in Asia, which in four years had set a prostrate province on its feet, gave mortal offence to the financial interests. Accordingly there was an agitation for his recall. Already in 69 B.C. the province seems to have been withdrawn from his control: in 68 Q. Marcius Rex had been ordered to supersede him in Cilicia, apparently with instructions to take action against the pirates: and in the following year, on the authority of a plebiscite proposed by Gabinius[1], M'. Acilius Glabrio was sent out to take over Bithynia and Pontus. For a time the utter incompetence of Marcius Rex and Glabrio compelled Lucullus to retain command; but in 66 B.C., when Pompey was in Asia with the campaign against the pirates at an end, there came an opportunity which it would have been folly to forgo. With the whole-hearted support of the *populares*, Manilius brought in a bill to transfer the command against Mithridates to Pompey. Cicero, now praetor, and Caesar, lately back from Spain, spoke in its favour; Catulus and Hortensius voiced the inevitable opposition of the Optimates; but not even the Senate could deny the freeing of the seas, and the bill was passed without a struggle. So there was vested in Pompey, not only control of the Mediterranean and its coasts, but the provinces of Asia Minor and the conduct of a war wherein victory would lead the victor—who should say whither?

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[1] Sallust, *Hist.* v, 13 M.

This unparalleled concentration of public resources in the hands of a single individual marks the end of one epoch in Roman history and the beginning of the next. With its effects on the future this is no place to deal; but the time is a fitting one for retrospect. The struggle begun by Tiberius Gracchus was finished, and the overthrow of the Senate was complete. Yet the outcome would have surprised those who first flung down the challenge. The modest protest of the Gracchi against the Senate's exploitation of its powers had ended in something more than a mere purging of the oligarchy. Senatorial refusal to govern in the interests of the People as a whole had shown the need for more drastic methods than the tribunate could apply, and the military commanders had been invoked. The appointment of Marius in 108 B.C. set the final precedent. For a time its implications were averted by the energy of Sulla; but the weapons which he forged were useless in the palsied hands of a nobility already moribund, and within twelve years of his death the revolution was complete. The People had raised up a master for the Senate—and themselves: if Pompey chose to use his power to make himself master of the Roman world, none could gainsay him. That he held back did not affect the significance of his command. Its example remained. If one man failed to seize the crown, another would soon be found to make the same opportunity and grasp it. From fair beginnings the career of Pompey faded into futility, but the time could not be long before a Caesar would arise to push the precedent, once it had been set, to its inevitable conclusion. Henceforward, the fate of the Roman constitution was fixed: veiled or undisguised, autocracy must come. For a while its coming was postponed by the reluctance of Pompey, and for a few brief years the phantoms of the Ciceronian age flitted through the tottering edifice of the Republic. But when Caesar, after the defeat of Vercingetorix, found himself standing where Pompey stood in 62, the whole structure was overthrown forthwith and the site lay waiting for the builders of the Principate.

CHAPTER VIII

ROME AND THE EAST

I. THE PIRATES OF CILICIA

IN his hurried settlement of the East after the defeat of Mithridates there were many problems which Sulla had to leave to his successors. One of the most pressing was that which concerned the pirates of the southern coasts of Asia Minor, whose fleets had given Mithridates valuable help in the late war and whose activities, in spite of the Roman victory, continued unabated. The growth of their extraordinary power was largely the result of Roman negligence during the preceding century. The decline of Rhodes, the weakness of Egypt, and above all the restrictions placed by Rome on the activities of the kings of Syria had all combined to give the natives of Cilicia a freedom from restraint which enabled them to develop their predatory instincts to the utmost. The terms imposed on Antiochus after the battle of Magnesia had limited his navy to ten ships of war and prevented him from sending any armed vessel to the west of Cape Sarpedonium (vol. VIII, p. 229), with the result that, since in Cilicia Tracheia lateral communication is almost impossible for a large force, the whole district became independent of Syria, and of little interest to its kings, except in so far as it provided from time to time a convenient base for pretenders to the Syrian throne. It is indeed to one of these pretenders, Diodotus Tryphon, that Strabo[1] ascribes the origin of piracy on the Cilician coast. Diodotus had established himself in the stronghold of Coracesium, which he used as a base for his privateers. His followers made Coracesium henceforward the headquarters of Cilician malpractices. During the last quarter of the second century B.C. these activities became widely extended over the eastern Mediterranean, the 'golden sea'

Note. The chief sources for the narrative in this chapter are Livy, *Epit.* 90–102, Plutarch's *Lucullus* and *Pompey* (24–45), Appian, *Mithridatica*, 64–119, Memnon, fragments of *History of Heraclea*, XV–XVI, Dio XXXVI–XXXVII, 23, Justin XXXVIII–XL, and passages from Cicero, Strabo and Josephus, for which see the Bibliography.

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[1] XIV, 668.

from Cyrene to Crete and the Peloponnese yielding a rich harvest to the freebooters[1].

For some years the Roman government confined itself to diplomatic representations to the States held to be responsible, and it was not until the close of the century that any direct action was undertaken against the pirates themselves. One of the reasons of this apathy had undoubtedly been the part which the pirates played as wholesale purveyors of slaves to the ancient world. The port of Delos could dispose of slaves in tens of thousands (vol. VIII, p. 644) and was openly frequented by their boats; Side on the Pamphylian coast provided them with a market almost as valuable. The pirates, therefore, fulfilled an important function in the economic life of the day and as kidnappers and slave merchants were equalled only by the Roman tax-farmers. At last, however, the complaints of the provincials and allied States had their effect. When, in reply to a demand for a contingent in the Cimbrian war, Nicomedes of Bithynia pleaded that the majority of his subjects had been carried off by tax-farmers and were now in slavery[2], the Senate decreed that all enslaved allies of free birth should be set free in the provinces, and ordered governors to see that the decree was carried out. Against the other chief purveyors of human goods an expedition was fitted out in 102 B.C. and M. Antonius was dispatched to the Cilician coasts. The offensive against the pirates was supplemented by a measure passed about the year 100 B.C., which definitely excluded them from the ports of the empire and of allied states[3].

The extent of Antonius' success, for which the customary triumph was decreed, is difficult to estimate. It is true that little is heard of the pirates for some years, and that the campaign was followed by the creation of the province of Cilicia. There is however nothing to show that this included anything more than the Pamphylian lowlands. Cilicia Pedias was not brought under Roman control until a later date; even if nominally reduced by Antonius, Cilicia Tracheia and eastern Lycia soon obtained their independence; parts of Pamphylia itself, which had supported Lucullus in the First Mithridatic War (p. 241), again fell into the hands of the pirates. In territory, therefore, the province was of small extent, the intention of the government being rather to

[1] Florus I, 41 (III, 6), 1–3; cf. Dio XXVII, frag. 93, for a Cilician pirate occupying Macella in Sicily *c.* 102 B.C.

[2] Diodorus XXXVI, 3.

[3] *S.E.G.* III, 378. On the date of this inscription, see the works cited in the Bibliography.

provide a base of operations against the pirates and a post of observation for southern Asia Minor in general.

The small success which attended the first of these objects may be estimated from the subsequent history of the pirates. Since the days of his famous tour in Asia Minor (p. 234) Mithridates had been fully aware of the value of the addition of their vessels to his own. At the outbreak of the first war his fleets were increased by the irregular squadrons of the pirates, whose activities it is not easy to distinguish from those of the Pontic navy. During the course of the war, when it became clear that the king would be unable to hold his conquests, greater license was granted to the Cilicians, whose organization was already reaching the perfection attained by the time of the Third Mithridatic War[1]. With the withdrawal of Mithridates' forces the depredations of the pirates continued unabated. Even after the conclusion of peace, the coasts of Asia Minor and the islands were still being scourged by these bands, who are reported to have sacked the temple of Samothrace while Sulla himself was in the island. Moreover, by this time their cruises were extended over the whole of the Mediterranean, if it is true that the pirates who co-operated with Sertorius in 81 B.C. were Cilicians[2].

Sulla had himself held the Cilician command and was fully aware of the difficulties which beset any attempt to achieve a final solution of the pirate problem. No reduction of the strongholds of the coast could be permanent without a complete subjugation of the whole of the Taurus, into the recesses of which the pirates of the coast could retire when attacked, and from which they could be reinforced at need by the brigand tribes of the hills. As the result of the First Mithridatic War the whole of southern Asia Minor was disturbed. The inhabitants of Cilicia Tracheia were supported by the inland tribes of the Isaurians; the Pisidian highlanders were noted for their predatory habits; important towns in Pamphylia, such as Attaleia and Side, were openly leagued with the pirates; in Lycia, a robber chieftain, Zenicetes, had made himself master of the Solyma mountains and the eastern coast. Accordingly, before the death of Sulla, a scheme of operations was drafted, which, though twice interrupted by fresh outbreaks of war with Mithridates, aimed at the penetration of the whole of this district from west to east and the subjugation of the tribes on both sides of the Taurus. A beginning was made by Sulla's successor, L. Murena, who occupied a part of the hinterland of Lycia, the Cibyratis, as the preliminary to a move on Zenicetes. Murena also collected a fleet for use against the pirates of the coast, but any further operations in this district were for the time prevented by a renewal of the war with Mithridates.

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[1] Appian, *Mithr.* 63.

[2] Plutarch, *Sertorius*, 7.

II. THE SECOND MITHRIDATIC WAR

Since the conclusion of peace Mithridates had been engaged in the re-organization of his kingdom and the suppression of revolts in Colchis and the Cimmerian Bosporus. Disaffection in Colchis had been appeased by the re-appointment of the king's son, Mithridates (Philopator Philadelphus[1]), as regent, although the young man was shortly recalled and put to death. Against the Bosporans Mithridates was preparing an expedition on a large scale, which was regarded with disfavour by Murena in view of the fact that the king had not yet restored the whole of the kingdom of Cappadocia to Ariobarzanes. Murena's expectation, real or pretended, that Mithridates was once more preparing for war with Rome was increased by the arrival of Archelaus, the king's general in the late war, who professed to confirm his suspicions. On this pretext he marched through Cappadocia and attacked Comana. The king at once appealed to the treaty, but since it had not been reduced to writing, its existence was denied by Murena, now wintering in Cappadocia (83–82 B.C.). While the ambassadors sent by the king to appeal to the Senate were on their way, Murena began another raid across the Halys, overrunning 400 villages in the king's territory and returning with his booty to Phrygia and Galatia. Here he was met by Calidius, who in answer to Mithridates' representations had been sent out by the Senate with orders that the king was to be left in peace; but what was believed to be a secret understanding between the two men induced Murena again to attack. This time he advanced directly on Sinope[2]. In self-defence Mithridates concentrated his forces against the invader. His general, Gordius, by a threat to Roman territory compelled Murena to fall back. Mithridates himself, coming up with the main body, joined Gordius[3] and inflicted a decisive defeat on the Roman army, which was compelled to retreat hurriedly into Phrygia.

The king had driven all Murena's garrisons from Cappadocia and appeared to be about to follow up his victory, when a peremptory message arrived from Sulla ordering Murena to refrain from further hostilities and enjoining Mithridates to be reconciled with Ariobarzanes. Sulla's orders were carried out by both parties, Mithridates securing an additional slice of Cappadocia at the expense of Ariobarzanes and Murena receiving the ill-earned salutation of *imperator*[1] and later a triumph[2].

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[1] *O.G.I.S.* 375.

[2] Memnon 36.

[3] Probably on the Halys; see Th. Reinach, *Mithridate Eupator*, p. 303.

III. SERVILIUS VATIA AND ANTONIUS

The work of reducing southern Asia Minor, which had been thus interrupted by the Second Mithridatic War and was not resumed during the Cilician governorship of Dolabella (80–79 B.C.), was once more taken up by the Roman government in 78 B.C. and entrusted to the consul of the preceding year, P. Servilius Vatia. In continuation of Murena's work in the Cibyratis Servilius' first task was the suppression of Zenicetes in eastern Lycia. The territory of Zenicetes, an immigrant Cilician or more probably a native chieftain who styled himself king[3], comprised the whole of the eastern coast of Lycia with the towns of Phaselis, Corycus and Olympus, together with most of the Solyma mountains, the massive spur of the Taurus which overhangs the western shore of the Pamphylian Gulf and terminates in the Chelidonian promontory. The inhabitants of this district were, with the exception of the Greeks of Phaselis, far behind the rest of the inhabitants of Lycia in civilization and differed perhaps from them in race. From the Solyma mountains Zenicetes could overrun the Pamphylian plain, much of which he had occupied.

The first months of Servilius' command were devoted to preparations for the campaign, in particular to the raising of a fleet. In 77 B.C. he was able to open an attack on the Lycian coast. The enemy were defeated, probably off the Chelidonian islands[4], and the three coastal cities were captured. Servilius then reduced the hill country and stormed the mountain stronghold of Zenicetes, who perished with his household in the flames which he himself had kindled. The disloyal districts of Pamphylia were recovered, and the people of Attaleia were punished by confiscation of territory[5].

It is generally held that Servilius' operations in Lycia and

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[1] Ditt.^{3} 745; Cicero, *pro Murena*, 5, 12.

[2] Cicero, *de imp. Cn. Pompei*, 3, 8.

[3] Carapanos, *Dodone*, p. 107, XXVI, n. 8, 1. (See E. Ziebarth, *Beiträge zur Geschichte d. Seeraubs*, p. 111, no. 94.)

[4] *O.G.I.S.* 552, a Lycian contingent under Aechmon of Xanthus supporting the Romans (see Dittenberger's notes *ad loc.*).

[5] Cicero, *de lege agr.* 1, 2, 5.

Pamphylia were followed by an attack on the pirate strongholds of Cilicia Tracheia. There is, however, not a single point in Cilicia Tracheia which Servilius can be said to have captured or even attacked. The general plan of operations did, in fact, postulate that the northern face of the Taurus must first be cleared before any attempt was made to enter Cilicia Tracheia itself. The Lycian and Pamphylian part of his campaign had been completed by the year 76. In the following year Servilius was free to clear the northern face of the central Taurus range.

In this district Servilius is known to have reduced the people of the Isauri with their two fortresses Isaura Vetus and Isaura Nova. Cicero[1] mentions also territory taken from the Orondeis together with the otherwise unknown ager Aperensis and Gedusanus. The latter is perhaps a corruption of Sedasanus[2], Sedasa being a town of the Homonadeis, a tribe finally reduced by the Romans in 10–7 B.C. The combined territory of the two peoples extended from Lake Caralis on the west to the confines of the Isaurians, the reduction of whom, covering as they did the principal approaches from the north, cleared the way for an advance by land into Cilicia Tracheia.

The campaign against the Isaurians had been concluded in the year 75. The following year saw the creation of a special command which was intended to sweep the pirates from the seas, while their homes in the Taurus could be threatened from the north. But the Roman plan miscarried: on the land side operations were delayed by the death of L. Octavius, the consul of 75 B.C. (who had been appointed to succeed Servilius in Cilicia in 74 but died soon after taking up his command), and then brought to a standstill by the outbreak of the Third Mithridatic War.

At sea in this year, 74 B.C., a special command had been conferred on the praetor, M. Antonius, which anticipated that entrusted to Pompey in 67 B.C., and gave to Antonius control over the Roman fleets and the coasts of the Mediterranean for three years (see above, p. 347). On the principle of setting a thief to catch a thief the appointment promised success. The extortions carried out by Antonius and his subordinates are said to have proved even more grievous to the provincials than the depredations of the pirates[3]. But Antonius himself was utterly incompetent. No organized plan to clear the Mediterranean, such as later characterized the work of Pompey, can be traced. It is true that we hear of operations on the Spanish coast[1], which may have been intended to clear the western seas, but Antonius' principal achievement, the attack on Crete, even if justified, was of quite secondary importance to the reduction of the Cilician coast. The Cretans, whose record in the matter of piracy was not above reproach (vol. VIII, pp. 145, 291, 627), were accused of supporting Mithridates and supplying him with mercenaries, of supporting the pirates and providing them with a refuge when pursued by Antonius. A war was forced on them which ended in disaster for the Romans and a humiliating peace concluded before the death of Antonius (71 B.C.). The peace was naturally disregarded by the government, which found itself, as the result of Antonius' command, faced with a new Cretan war (below, p. 375), while the pirates, as the result of Roman incompetence, showed themselves possessed of a new confidence and daring which amazed the ancient world.

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[1] *de lege agr.* II, 19, 50.

[2] *J.R.S.* XII, 1922, p. 47.

[3] Sallust, *Hist.* III, 2, M. An inscription from Gytheum (Ditt.³ 748) refers eloquently to the necessities of the town 'when Antonius was present.'

IV. THE THIRD MITHRIDATIC WAR: THE CONQUEST OF PONTUS

After the cessation of Murena's raids in 81 B.C., Mithridates had resumed the task of recovering his Bosporan possessions (p. 353), where his son Machares was now appointed viceroy. To open communication by land with the newly recovered territory a further expedition was launched against the tribes of the Achaei beyond Colchis. The expedition, however, failed with heavy losses, two-thirds of the force being lost either in battle or from the climate. Mithridates then returned to his kingdom, where, as the result of representations made by Ariobarzanes to Rome, he received orders from Sulla to surrender those parts of Cappadocia which he still held. Once again the king obeyed and sent an embassy to Rome to secure formal ratification of the Peace of Dardanus. Before its arrival Sulla had died (78 B.C.), and since nothing could be obtained from the Senate, Mithridates incited his son-in-law, Tigranes, to occupy Cappadocia, from which some 300,000 of the inhabitants are said to have been carried off to swell the population of Tigranocerta, the new capital of Armenia.

The sultan of the now united Armenia was the descendant of the Artaxiad rulers of north-eastern Armenia or Armenia proper (vol. VIII, p. 514). A part of his youth had been spent as a hostage among the Parthians, his restoration being secured only by the surrender of seventy Armenian valleys to the Parthian king. After his accession in 95 B.C., Tigranes, backed by Mithridates of Pontus, utilized to the full the opportunity offered by the weakness of the Parthian kingdom which followed the death of Mithridates II. By the conquest of Sophene the whole of Armenia was united under his rule, while his frontiers were extended by the annexation of the northern provinces of the Parthian empire (see further below, p. 603). By 83 B.C. he had annexed the remnant of the Seleucid kingdom in Syria and Cilicia, from which, as later from Cappadocia, numbers of the inhabitants were transported to Tigranocerta. In the matter of territory Tigranes was now the most powerful monarch of the East, to the formal suzerainty of which he laid claim by the assumption of the title 'King of Kings.'

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[1] Sallust, *Hist.* III, 5–6, M.

Besides the friendship of Tigranes, Mithridates could rely in the coming struggle with Rome on the co-operation of the Cilicians, whose naval power, at any rate, was untouched by the victories of Servilius Isauricus. The benevolent neutrality of the kings of Egypt and Cyprus had been secured by dynastic alliances[1]. In Europe his Bosporan agents could foment disturbances among the tribes of the Danube and the Haemus, and create a serious menace to the Roman province of Macedonia. During the years preceding the outbreak of the Third Mithridatic War the governors of Macedonia had been constantly engaged in repelling incursions into the province and in retaliatory expeditions into barbarian territory, but, so long as the power of Mithridates remained intact, they could achieve few permanent results. Although Appius Claudius is credited with victories over the Thracians and Sarmatians in 78 B.C., and his successor C. Scribonius Curio is stated to have penetrated to the Danube and ended the war in 75 B.C., it was not until the power of Mithridates had been broken by L. Lucullus, that his brother Marcus, the governor of Macedonia, was able to gain any permanent success[2]. Deprived of support from Mithridates, the Bessi and Dardani were defeated in a number of engagements; the whole of the country between the Haemus and the

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[1] Appian, *Mithr.* III, states that the two daughters of Mithridates had been betrothed to the kings of Egypt and Cyprus, who are presumably the two illegitimate sons of Ptolemy Lathyrus. See below, p. 388, and E. R. Bevan, *History of Egypt*, p. 344 *sq*.

[2] Eutropius VI, 2; VI, 7; Florus I, 39 (III, 4), 6; Orosius V, 23; VI, 3; Livy, *Epit.* 91, 92, 95, 97. There is no confirmation of Florus' statement that M. Lucullus reached the Tanais and Lake Maeotis.

Danube was systematically laid waste and the fighting men mutilated. Even the Greek cities on the coast of the Black Sea, Apollonia, Callatis, Tomi and Istros, were captured and plundered. The results of the the campaign deprived Mithridates of one of the most valuable of his recruiting grounds and would have rendered abortive the design, with which he is credited after the fall of his Asiatic kingdom, of invading Europe from the Crimea (p. 391).

In the far west Mithridates sought another ally. Through the agency of two of the refugees from the Fimbrian army, Magius and Fannius, he opened negotiations with Sertorius in Spain, offering ships and money in return for the recognition of his own claims to Asia Minor. To the surprise of the king the demand was refused on the ground that it was impossible for Sertorius to consent to the surrender of any Roman territory. Sertorius, however, professed himself willing to admit the claims of Mithridates to Bithynia and Cappadocia, and undertook to supply officers to instruct the Pontic armies in Roman methods of warfare, a certain M. Marius accompanying the ambassadors on their return to Pontus (see above, p. 322 *sq.*).

The war, which both sides had foreseen and in view of which the Roman government had retained a force of four legions in Asia Minor[1], was kindled once again by the Bithynian succession. Late in the year 75 or early in 74 B.C. the worthless Nicomedes III had died, leaving, as the Romans claimed, no legitimate heir to the throne. Bithynia was declared a province, temporary arrangements for its annexation being entrusted to the governor of Asia[2]. That Bithynia and the control of the entrance to the Black Sea should pass entirely into Roman hands was intolerable to Mithridates, who declared himself the protector of an alleged son of Nicomedes and Nysa, and marched through Paphlagonia to invade Bithynia. At the same time a force was sent into Cappadocia under Diophantus, to garrison the towns and cover Pontus against attack from Cilicia. Now or later, Eumachus was dispatched into Phrygia, who, after creating trouble among the Pisidians and Cilicians in the south, was finally driven out by the Galatian Deiotarus[3].

The Romans were caught at a disadvantage. Octavius, the governor of Cilicia, had died in his province in 74 B.C. M. Juncus, the governor of Asia, if we may judge from the fact that the young Julius Caesar did not hesitate to act against him or instead of him, was incompetent or had already been recalled[1]. Fresh commanders had therefore to be sent out from Rome, and after much debate and intrigue the consuls of 74 B.C. were appointed, M. Aurelius Cotta to the new province of Bithynia, L. Lucullus to the command of the forces in Asia and Cilicia.

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[1] Sallust, *Hist.* II, 47 M.

[2] Vell. Pat. II, 42.

[3] Appian, *Mithr.* 75. His expulsion took place before the winter 74–73. There is a similar doubt about the date of the penetration of Marius into Asia (Plutarch, *Sert.* 24; Suet. *Div. Iul.* 4).

The story of Lucullus' intrigue with Praecia, mistress of the political wire-puller Cethegus, to secure the command, whatever light it may throw on contemporary politics in Rome, does not alter the fact that Lucullus, in the absence of Pompey, was the only suitable officer available for the post. As quaestor to Sulla and later to Murena he had gained an intimate knowledge of affairs in Asia Minor, winning good opinions among the provincials for his justice and moderation. Both in Sulla's campaigns and later at the siege of Mitylene (p. 260), he had shown himself to be a capable officer, who had little to learn from the military textbooks he is said to have studied on his journey eastward.

The plan agreed between the two commanders was that Cotta should hold Mithridates in check in Bithynia, and with the help of a fleet gathered from the allies close the Bosporus against the Pontic navy. Lucullus, who brought with him one fresh legion, was to unite the veteran legions of Servilius in Cilicia with the Fimbrian legions in Asia[2], and advance through Phrygia against Mithridates' flank. His advance was delayed by the lack of discipline among the Fimbrian troops and the general state of affairs in the province of Asia. Lucullus had only reached the Sangarius when he heard that his colleague, who had been forced to retire on Chalcedon, had rashly offered battle to Mithridates' main forces and suffered a complete defeat. Although the fortress itself held out, the Pontic fleet had forced its way into the harbour, destroying four of the Roman vessels and capturing sixty.

The most serious part of the disaster was the loss of the fleet. For the rest the dangerous position in which the rapid advance of Mithridates had placed his army was aggravated by his determination to complete the conquest of the Propontis and enter the province of Asia from the north. A force was detached under the Sertorian Marius to observe Lucullus, now advancing from the Sangarius, which established contact with him at Otryae, near

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[1] Vell. Pat. *loc. cit.*; Suet. *loc. cit.*

[2] Lucullus is credited with 30,000 infantry and 2500 cavalry (Plutarch, *Lucullus*, 8; Appian, *Mithr.* 72, puts the cavalry at 1600).

Lake Ascania[1]. When Marius was about to offer battle, the engagement was broken off by the appearance of a thunderbolt, and he was compelled by lack of provisions to retire. In the meantime, the king was hurrying towards Cyzicus, whose citizens had suffered heavy losses in the fighting at Chalcedon, and whose capture in the eyes of Mithridates would open the gate into Asia[2]. Evading the Roman army, Mithridates arrived first before the town and occupied the high ground, known as the Adrasteian hill, which fronts the city across the narrow strait separating it from the mainland[3].

The city of Cyzicus lay on the island of Arctonnesus, which has roughly the shape of a triangle with the apex turned towards the mainland[4]. At the present time the island is joined to the mainland by an isthmus some three-quarters of a mile wide, but at the time of the siege it was separated by a narrow strait spanned only by a single causeway[5]. The city itself lay at the apex of the triangle on low land facing the Asiatic shore. Mithridates, transferring the bulk of his forces to the island, brought up his fleet to blockade the strait and established his troops in ten camps round the town. Lucullus, arriving on his heels, occupied the so-called Thracian village behind Adrasteia, from which the supplies of the enemy could be threatened. The position of the king's army was serious enough for an investing force; it rapidly became precarious when, with the help of treachery on the part of the renegade Magius, Lucullus was able to seize the heights of Adrasteia and sever the king's communications with the mainland.

Only the early capitulation of Cyzicus could save the Pontic army from disaster, and all the energies of the king were directed to the storming of the town before the approach of winter interrupted the supplies which were reaching him by sea. For a time the citizens were ignorant of Lucullus' position, and it was not until he could send a vessel through the blockading squadron that certain information reached the town. Realizing that the success of Lucullus' plans depended on their own successful resistance, and heartened by a sudden storm which overthrew many of the enemy's siege engines, the Cyzicenes were encouraged to hold out to the last. In its cramped position on the island the investing force was already suffering from disease. By the winter the commissariat had broken down, and the troops were reduced to feeding on herbs or even human flesh. After a last desperate attempt to capture the town, Mithridates reluctantly consented to abandon the siege. First the cavalry with the baggage animals and the sick were sent away secretly into Bithynia. Though the pursuit was hampered by a snowstorm, Lucullus overtook and annihilated the retreating force on the Rhyndacus. Some 30,000 infantry seeking to withdraw to Lampsacus were caught at the crossings of the swollen Aesepus and Granicus; a mere remnant reached their destination, where they were embarked by the Pontic fleet. It was only his command of the sea that enabled Mithridates to save himself and the remainder of his army. Even so, many lives were lost at the embarkation in a panic caused or aggravated by an attack of the Cyzicenes on the camp, where the sick and wounded were ruthlessly butchered.

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[1] Strabo XII, 566 (Otroea); see Sir W. M. Ramsay, *Historical Geography of Asia Minor*, p. 189.

[2] Cicero, *pro Murena*, 15, 33.

[3] Strabo XII, 575. See F. W. Hasluck, *Cyzicus*, p. 48.

[4] Hasluck, *op. cit.* pp. 1–4.

[5] Frontinus, *Strat.* IV, 13, 6. In Strabo's time (XII, 575) there were two.

Though his fleet had suffered losses in a storm off Parium, Mithridates still hoped by its means to maintain himself in the Propontis. Marius was sent with 50 ships and 10,000 picked troops to create a diversion in the Aegean, and the king himself sailed to Perinthus, in the hope of opening communication with his European allies. Failing to take the town he retired to Nicomedeia. Lucullus elected to deal himself with Marius. It would appear that he had already made arrangements with the cities of Asia for the provision of a fleet and was able to decline the subsidy offered by the Senate for that purpose. A portion of the new fleet was placed at the disposal of his lieutenants, C. Valerius Triarius and Barba, who received orders to reduce the Propontis and the points in western Bithynia held by Mithridates. They are credited with the reduction of Apamea (Myrleia) and Cius on the coast, inland, of Prusa and of Nicaea, whose garrison withdrew to join Mithridates in Nicomedeia. Lucullus himself, passing through the Hellespont, annihilated the forces under Marius in two engagements off Tenedos and Lemnos.

The position of Mithridates at Nicomedeia was no longer tenable. Little remained to him in the Propontis; Cotta, moving out from Chalcedon, joined forces with Triarius and prepared to blockade the town by land. After his victories in the Aegean Lucullus sent forward Voconius with a part of his fleet to close the entrance to the gulf, preparing himself to follow with the rest. But Voconius, engrossed in the mysteries of Samothrace, allowed the king to escape into the Black Sea. Although what remained to him of his fleet suffered further losses in a storm, Mithridates himself, who had been rescued when in danger of shipwreck by his pirate friends, eventually reached Amisus in safety. So ended the first phase of the campaign (73 B.C.). The whole of his initial conquests had been lost and with them a large part of his army; the fleet was destroyed or scattered, even a squadron which at the beginning of the campaign had been sent to Crete and Spain being later caught and destroyed on its return by Triarius off Tenedos[1].

Arrived at Amisus, Mithridates sent urgent demands for help to Tigranes, to Machares in the Bosporus, and even to the kings of Scythia and Parthia. At no other time perhaps does Mithridates approach nearer to greatness. His allies were lukewarm, his friends and dependents thought only of making favourable terms for themselves with the Romans. Diocles, his envoy to the Scythians, deserted to Lucullus with the gold entrusted to him; Metrodorus of Scepsis frankly advised Tigranes to refrain from embroiling himself with the Romans; the court itself was full of traitors, if we may judge from the account which Strabo gives of his own relatives of the house of Dorylaus, the king's friend and foster-brother[2]. Nevertheless Mithridates resolutely set himself to the defence of his kingdom. On his journey to Amisus he had been fortunate enough to secure the town of Heraclea, into which he had thrown a strong garrison. That fortress and the towns of the Paphlagonian coast, together with Sinope, would inevitably detain a part of the Roman forces on their advance into Pontus. In the country itself he relied on a network of strongly garrisoned fortresses covering the principal roads in the western part of the kingdom[3]. Of these the most powerful, Amasia, Amisus on the coast, Themiscyra and Eupatoria, formed roughly a square, behind which Mithridates set himself to assemble a new army at Cabeira. His cavalry was still formidable[4] and was to be used to restrict further the Roman freedom of movement.

Lucullus, Cotta and Triarius had united their forces at Nicomedeia and prepared for an immediate invasion of Pontus. As Mithridates had foreseen, the Romans were compelled to detach a portion of their forces to reduce the Paphlagonian coast, this duty being entrusted to Cotta, who was to receive the naval support of Triarius when he had dealt with the remainder of the king's fleet in the Aegean (p. 362). Heraclea surprised the Romans by its prolonged resistance of two years, its capture being followed by the surrender of Tius and Amastris. It was not until the king himself had been overthrown that Lucullus could effect the reduction of Sinope (probably in 70 B.C.).

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[1] Memnon 48. A Milesian bireme, 'Parthenos,' serving with Triarius, *O.G.I.S.* 447.

[2] Strabo x, 478; xii, 558.

[3] Strabo xii, 557, ascribes the betrayal of no less than fifteen forts to his maternal grandfather.

[4] (Appian *Mithr.* 78) and Plutarch (*Lucullus*) 14, set it at 4000, against the 8000 of Memnon 43.

Realizing the necessity of an immediate attack on Mithridates, Lucullus had begun his advance into Pontus before the summer of 73 B.C. had come to an end. In his choice of route the existence of the Pontic garrisons on the coast may well have decided him to avoid the trunk road by the Amnias valley, which would have brought him most directly into Pontus, and to adopt a more southerly line through Galatia, where the difficulties of supplying his troops on the march were met only by the friendly offices of Galatian porters supplied by Deiotarus. When he had crossed the Halys, Lucullus, leaving Amasia and Eupatoria on his right, marched between the Halys and the Iris on Amisus, the 'maritime capital[1]' of Pontus, through which Mithridates could receive reinforcements from his son Machares in Bosporus. Having plundered the country up to Themiscyra, he sat down to besiege Amisus, which, however, Mithridates was able to provision through the winter from Cabeira.

In the following spring (72 B.C.), leaving Murena with two legions to continue the siege, Lucullus marched with three legions against the main forces of Mithridates at Cabeira. The route which he must follow would take him by way of Themiscyra and Eupatoria, a fortress not yet fully completed, which, lying at the junction of the Iris and the Lycus, closed the approach to Cabeira by the Lycus valley. So contradictory are our authorities that it is impossible to say with certainty at what stage of the campaign the fortress was captured. Memnon[2] states quite definitely that Lucullus assaulted and captured Eupatoria after the operations at Cabeira were finished, but since he makes the same statement regarding Lucullus' attack on Amisus, which was certainly invested by the summer of 73 B.C., it is probable that Eupatoria, whose very existence barred any advance by the Romans up the Lycus valley, was captured, or, as Appian hints[3], betrayed, before help could come from the main Pontic army. The movement against Cabeira was in any case a bold one on the part of Lucullus; with Eupatoria still standing, it would have been foolhardy, if not impossible.

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[1] J. A. R. Munro, *J.H.S.* XXI, 1901, p. 52, whose account of the campaign has been followed in general. On the topographical and chronological difficulties presented by these campaigns see below, Note 4, p. 897 *sq.*.

[2] Memnon 45.

[3] *Mithr.* 115.

On his arrival in the Lycus valley, Lucullus found his movements seriously hampered by the enemy cavalry, which dominated the low ground and heavily defeated the Roman horse. Mithridates had himself moved out from Cabeira down the valley with a view to cutting the communications of the Romans and forcing them into the hills, when Lucullus, guided by Greek prisoners from the locality by a route along the edge of the hills, appeared above Cabeira and occupied a strong point threatening the town. His new position was secure from direct attack, but he was cut off from his communications with the force at Amisus and dependent for supplies on a route southwards into Cappadocia, which crossed the Lycus valley dominated by Mithridates' cavalry. The rest of the campaign turned on the king's ability to intercept the Roman convoys. We have accounts of three engagements, the first of which, a mere skirmish, Mithridates claimed as a victory. In the second ten cohorts under Sornatius, escorting the supply train from the south, were violently attacked by Mithridates' troops but succeeded in beating them off. In the third a Pontic force comprising half the cavalry and 4000 infantry, which had been sent out to intercept a convoy protected by a force of legionaries under M. Fabius Hadrianus, unwisely attacked the Romans in a defile where the cavalry could not operate, and suffered a complete defeat. Exaggerated accounts of the reverse, which Mithridates had attempted to minimize, filled the Pontic camp. The king, who with the loss of half his cavalry had lost his superiority over Lucullus, appears to have expected an attack in force by the Romans and was making preparations to retire, when his intentions became known and a general panic arose in the camp. In the confusion Mithridates nearly lost his life, but was able to escape to Comana; his army was dispersed or cut up by the Romans. Lucullus at once urged the pursuit of the king, who was in imminent danger of capture by the Roman cavalry. He was saved only by the scattering of the treasure from the pack of one of his baggage mules. Though the Romans followed as far as Talaura, the treasure hunt had given him too long a start. Sending orders that the ladies of his harem at Pharnaceia should be put to death, Mithridates abandoned his kingdom and took refuge with Tigranes.

After the victory at Cabeira Lucullus received the surrender of the town, where he spent the winter of 72–71 B.C. There followed the reduction of Armenia Minor, of the tribes on the coast as far as Pharnaceia, and of Amisus, which had resisted through a second winter. With the fall of Sinope and Amasia, which was delayed perhaps by Lucullus' absence in the province of Asia, the conquest of Pontus was complete (70 B.C.). Before the capitulation of Sinope, Lucullus had already made a convention with Machares in the Bosporus, thus securing the cessation of the supplies which were reaching the town by sea.

Before the capture of Amisus (71 B.C.), Lucullus had sent his brother-in-law, Appius Claudius, to Tigranes to demand the surrender of Mithridates. The months which remained before his return were largely spent by Lucullus in regulating the affairs of Asia. The cities of the province were crushed beneath the huge indemnity imposed by Sulla (p. 259) and the exactions of the moneylenders and tax-farmers. Lucullus made arrangements for the indemnity to be met by a tax of 25 per cent. on crops, house-property and slaves. The measure appears drastic but provided an organized method of meeting the payments due, and was beneficial in its results. The extortions of the moneylenders were curtailed by fixing the rate of interest at 12 per cent., arrears of interest which exceeded the principal being disallowed; on the other hand, the rights of creditors were secured by guaranteeing to them annual payment of sums not exceeding one-fourth of a debtor's income. The advantages to the province were enormous, but it is not surprising that the financial classes in Rome came to regard Lucullus as their bitterest enemy and used every means to attack his position[1].

V. LUCULLUS' INVASION OF ARMENIA

Though allowing him the royal state to which he was accustomed, Tigranes had refused for twenty months to see his father-in-law, keeping him almost a prisoner in one of his castles. Appius Claudius, whom Lucullus had sent to demand his surrender, found Tigranes still absent in Syria and utilized the interval before his return in intriguing with his subjects. Appius may have lacked the gift of persuasion which had extracted Jugurtha from the court of Bocchus, but it is probable that Lucullus had no expectation that Tigranes would agree to his demands, and sought only a pretext for invading Armenia and curtailing the power of its sultan. Soon after Appius' return the last strongholds in Pontus were reduced. In the following year (69 B.C.), leaving Sornatius with 6000 men to hold the country, Lucullus marched with the rest of his forces to the invasion of Armenia. It was a daring move, but one that would have been justified, if Lucullus had contented himself with the demonstration of Roman power at Tigranocerta[1].

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[1] Plutarch, *Lucullus*, 23; Appian, *Mithr.* 83. See V. Chapot, *Province Romaine...d'Asie*, p. 41.

Drawing his supplies from Ariobarzanes, Lucullus marched across Cappadocia to the great crossing of the Euphrates near Melitene. The river was in flood but subsided sufficiently to allow Lucullus to cross without delay, in boats prepared during the previous winter by the king of Cappadocia[2]. He was well received and supplied by the people of Sophene, whose belongings he protected against the soldiery, and continued his march south-east, on the road later followed by Corbulo[3], for Amida (Diarbekr) on the Upper Tigris. The very audacity of the movement took Tigranes by surprise. Since the withdrawal of Appius Claudius the king had granted Mithridates a force of 10,000 men for the recovery of Pontus and was himself contemplating an invasion of southern Asia Minor. The news of Lucullus' advance was treated with incredulity. At last the king sent out a force under a favourite, Mithrobarzanes, who had dared to tell him the truth, with orders to bring Lucullus alive. The force was destroyed and its leader slain, and in the confusion which prevailed at the Armenian court Lucullus struck hard at the capital.

The statements of the ancient authorities regarding the site of Tigranocerta are so contradictory, that without fresh epigraphic evidence it is improbable that the views of any modern explorer will find universal acceptance[4]. Tacitus[5] places it 37 Roman miles from Nisibis (the site of which is well known), and Strabo[1] states that Tigranocerta and Nisibis lay in Mygdonia at the foot of the Masian mountains, a range which runs parallel with the Anti-Taurus and is separated from it by the upper waters of the Tigris. But our narratives of the campaign imply that the city lay on the left bank of the Tigris, which Lucullus had first to cross, and that Tigranes, flying northwards on his approach, withdrew into the Anti-Taurus. If the testimony of Strabo and Tacitus may be disregarded, the accounts of Lucullus' campaign would point to Meiafarkin (Martyropolis), first identified as Tigranocerta by von Moltke, which lies some 40 miles to the north-east of Diarbekr.

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[1] The invading force is given by Plutarch (*Lucullus*, 24) as 12,000 infantry and rather less than 3000 cavalry, by Appian (*Mithr.* 84) as two legions and 500 cavalry. At Tigranocerta Lucullus commanded 10,000 legionaries, apart from the 6000 men besieging the city (Plutarch, *op. cit.* 27). We may conclude that he marched with three legions and a strong force of cavalry. The numbers of the Armenians are variously given, the highest total being Appian's 250,000 infantry and 50,000 cavalry. Plutarch's figures, which profess to be based on Lucullus' dispatches (*op. cit.* 26), are not less fantastic. The more moderate figure of 80,000 given by Memnon (57) for the Armenian force at Tigranocerta perhaps represents the nominal strength of the standing army. According to Phlegon (frag. 12) the united strength of Mithridates and Tigranes was 40,000 infantry and 30,000 cavalry. He is wrong in supposing that Mithridates was present at the battle, but we learn from Memnon (55) that he had received a force of 10,000 from Tigranes, which makes the figures given by the two writers equal.

[2] Sallust, *Hist.* IV, 59 M.

[3] Tacitus, *Ann.* XV, 26. By way of Kharput (*C.I.L.* III, *Suppl.* 6741/2), and Arghana Maden.

[4] For an admirable summary of the ancient evidence and results of modern exploration see Rice Holmes, *Roman Republic*, I, pp. 409–425.

[5] *Ann.* XV, 5.

On the approach of the Romans, Tigranes abandoned his treasures and harem in Tigranocerta, entrusting the defence of the city to Mancaeus, and retired within the shelter of the Armenian mountains to assemble his army. To intercept the levies Lucullus sent forward two detachments, one of which captured Tigranes' baggage train, the other destroyed a band of Arabs on their way to join the king. He himself laid siege to Tigranocerta. The town was of enormous strength and the investing army so insufficient, that a force sent by Tigranes, alarmed for the safety of his concubines, was able to penetrate the Roman lines and bring away both them and a part of the royal treasure. Although the Romans could make little headway, the defenders protecting themselves with arrows and destroying the siege works with naphtha, the siege was maintained as the surest means of bringing the king to battle. When his mobilization was complete, Tigranes, in spite of urgent messages from Mithridates and the advice of Taxiles, advanced from the hills to destroy the Roman force 'too large for an embassy, too small for an army.'

On the morning of October 6, Lucullus, leaving Murena with 6000 men before the town, moved out to meet Tigranes. The armies were separated by a river and to reach the ford by which he could cross, Lucullus was compelled to march along the bank of the stream, which here makes a bend to the west. The Armenians interpreted the manœuvre as a retreat and were surprised when the head of the column wheeled to cross the stream. Their heavy cavalry, armed only with the lance but with men and horses protected by armour, were stationed on the right of the line, below a small hill which had been left unguarded. Lucullus at once sighted the omission. Under cover of a flank attack by his Thracian and Galatian horse, he himself with two cohorts made his way round to the rear of the enemy and occupied the hill. He then gave orders that without waiting to discharge their javelins the troops should close at once on the enemy's rear and strike at the riders' legs, which were not protected by armour. The battle was won. Thrown into confusion by the attacks on their flank and rear, the cavalry stampeded, involving the closely packed infantry in their flight, even before the greater part of it could come into action. A terrible slaughter followed all along the line, the Roman troops, who had received stringent orders against stopping for plunder, pursuing and slaughtering the demoralized enemy over some fifteen miles (69 B.C.)[1]. The battle was followed by the capture of Tigranocerta, where the Greek mercenaries of the garrison had mutinied against Mancaeus.

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[1] XI, 522; XVI, 747.

A large part of the southern dominions of Tigranes now came over to the Romans, Arab tribes, the people of Sophene and of Gordyene, whose king had previously been tampered with by Appius Claudius and had paid the penalty to Tigranes. Overtures were also received from the kings of Commagene and of Parthia. On the advice of Mithridates, Tigranes also had been seeking help from Parthia, offering to restore the territory previously captured, together with the valleys which had been the price of his own redemption (p. 357). Lucullus is said to have heard of these negotiations and to have contemplated an attack on Parthia, even sending orders to Sornatius to bring up the forces in Pontus. The troops, however, refused to march, and the news becoming known in Lucullus' camp increased the difficulties already becoming felt between Lucullus and his men.

That Lucullus intended to denude Pontus of its garrison seems incredible, but the fact remains that his relations both with his troops and with Rome were becoming more and more strained. His enemies of the equestrian party, mindful of his conduct in Asia, were accusing him of needlessly prolonging the war for his own purposes, and about this time the government was forced to withdraw from him the province of Asia; not long afterwards Q. Marcius Rex, the consul of 68 B.C., was designated to succeed him in the following year in Cilicia. His troops were becoming weary of the long campaigns and of his rigorous discipline, while the protection granted to Greek inhabitants of captured cities and their property was a further cause of murmuring among the Fimbrians.

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[1] For a plan of the battle, if placed at Meiafarkin, see Eckhardt, *Klio*, x, 1910, p. 102. A plan as postulated by Sachau's identification of Tigranocerta with Tell Ermenek (south of the Masian mountains) is given *ib.* p. 109.

Nevertheless, Lucullus prepared in the following year for a final settlement with Tigranes.

Tigranes, who had fled precipitately from the field of Tigranocerta, was joined by Mithridates, all thoughts of the recovery of Pontus being for the time abandoned. The concessions which Tigranes was prepared to make to Parthia may be ascribed to the influence of Mithridates, who was now entrusted with the preparations for the further defence of Armenia. Stores were accumulated for the provisioning of the troops, fresh levies were called up and, so far as time permitted, were armed and organized on the Roman model; in particular, a large force of cavalry was assembled to harass and delay the enemy in his advance. Owing to the lateness of the Armenian season, it was not until the summer of 68 was well advanced that Lucullus began his march northwards.

Apart from a fairly certain inference, to be drawn from Plutarch's narrative, that Lucullus advanced by a route to the west of Lake Van and that he retired by a different road to the east of the lake, there are few indications of the exact line which he followed. To the west of the lake two alternative routes would bring him into the plain of Musch, where his foraging parties were subjected to violent attacks by the Armenian horse, though his attempts to bring on the pitched battle which he desired were unsuccessful. To achieve this object Lucullus decided to march on Artaxata, the capital of Armenia proper, and force the king to fight, as he had done by his threat to Tigranocerta. As the Romans were ascending the valley of the Arsanias (the eastern Euphrates), Tigranes and Mithridates appeared on the opposite bank with the obvious intention of fighting. Lucullus crossed the river with his army in two divisions, drove off the enemy's light horse, and uniting his forces defeated the heavy cavalry under Tigranes and put the whole army to flight. The march on Artaxata was continued, but the rigours of the Armenian tableland, with its early frosts and snow, and lack of provisions, proved too formidable. The men were spent, and, when Lucullus rejected their plea to retire, refused to move. The advance was abandoned, and retiring by a road to the east of Lake Van, the army arrived at Nisibis. Late in the year Lucullus attacked and captured the town, which was held by the brother of Tigranes and Callimachus the defender of Amisus, and there prepared to winter (68–67 B.C.).

In spite of the second defeat on the Arsanias, the Armenian forces were still numerous, while the discipline of the Roman army was rapidly breaking down as the result of reports of the hostility to Lucullus in Rome and the intrigues of Publius Clodius, the 'soldier's friend,' in the camp. Rumours were current that Lucullus had been superseded and that the Fimbrian troops had been released from service by special decree. No sooner had Lucullus retired from the highlands than the kings delivered their counterstroke. While Tigranes struck at isolated Roman detachments in the south, Mithridates with 4000 of his own troops and 4000 Armenians broke out from northern Armenia and advanced by the Lycus valley into the heart of his kingdom. The Roman forces in Pontus, under Fabius Hadrianus, were taken by surprise; the Thracian mercenaries of Mithridates, now in the Roman service, deserted to their former master, and the natives, after a brief experience of Roman rule, welcomed his return with joy. After two unsuccessful engagements, the second of which only the fortunate wounding of the king enabled him to break off, Hadrianus threw himself into Cabeira, where he was blockaded.

When Mithridates first advanced into Pontus, Lucullus had been prevented from returning, partly by the necessity of relieving the troops attacked by Tigranes, partly by lack of provisions for the march and the mutinous state of his troops, who were loth to leave their present quarters for a winter campaign. But on the news of Hadrianus' reverse the troops agreed to follow him. In the meantime, Hadrianus had been relieved by Triarius, who was marching from Asia to join Lucullus and had turned northwards to succour his colleague. In face of their united forces Mithridates withdrew across the Iris to Comana, but, as the Romans approached the river, he turned to attack them on the march. He himself recrossed the river and engaged Triarius, issuing orders to a part of his forces to cross by a second bridge and intervene when the enemy was fully engaged. The scheme failed owing to the collapse of the bridge, and Mithridates was forced to retreat. Both armies then retired behind fortifications for the rest of the winter, Triarius to Gaziura, covering the road to Amasia and Amisus[1].

It was essential for Mithridates to force an engagement before Lucullus could arrive. Early in the year 67 he moved out from his winter quarters and endeavoured to provoke the Romans to battle. Triarius, who was aware of his intention, at first refused to be drawn out, but when Mithridates attacked the fort of Dadasa, which contained the baggage of the Roman troops and much of the booty of the campaign, Triarius was forced by the clamours of the soldiery to move out and protect it. In the Scotian hills, some three miles from Zela, he was attacked by the Pontic army and defeated, with a loss of 7000 men, 24 tribunes and 150 centurions.

Lucullus arrived soon after the disaster and endeavoured to repair the position by bringing Mithridates to battle. The king, however, avoided the error into which Triarius had fallen. Tigranes was advancing and already his advance-guard was in touch with the Romans. Mithridates retired to Talaura[1], a powerful fortress where he could await the arrival of Tigranes, against whom Lucullus now resolved to turn. But the Fimbrians broke out into open mutiny and in answer to the personal appeals made to them by the general flung their empty purses on the ground and bade him fight the enemy alone, since he alone knew how to get rich thereby. Lucullus appealed for assistance to Marcius Rex, the proconsul of Cilicia, but was refused on the ground that his troops were unwilling to march. M'. Acilius Glabrio, who under a Lex Gabinia of 67 B.C. had been appointed to the command of Bithynia and Pontus and was hurrying to an easy triumph, now refused to move beyond Bithynia. While Mithridates recovered the greater part of his kingdom and Tigranes plundered Cappadocia, Lucullus was compelled to remain inactive. By the end of the summer the greater part of the Fimbrians had deserted.

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[1] *J.H.S.* xxi, 1901, p. 58 *sq.*

In the operations at Cyzicus and Tigranocerta Lucullus won for himself a high place among the great tacticians; his strategical schemes were boldly conceived and methodically executed. If at times he seems to err on the side of rashness, it is to be remembered that he had greater opportunities of calculating the strength of an adversary than his modern critics. The reason for his failure lay in his leadership. In his enforcement of discipline and his demands upon his men Lucullus followed his master Sulla, but, unlike Sulla, failed to relax when a crisis had been passed. It is true that a genuine love of the Greeks and wider considerations of policy frequently induced Lucullus to deny to his troops the pleasures of a sack, which Sulla would gladly have permitted; but Lucullus, while careful for the most part of the lives of his men, lacked the chief requisite in a commander of caring first for their well-being. In his Armenian campaign he demanded more than the legionary could endure, and with the re-emergence of Mithridates it seemed to the dispirited troops that there was no end to the demands that would be made upon them. While there is no doubt that Lucullus was the real conqueror of Mithridates, it is not to be denied that the Roman government, whatever its motives, was right in superseding him.

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[1] Dio XXXVI, 14. The site is unknown. Mr Munro's suggestion (*loc. cit.*) that it is identical with the later Sebasteia (Sivas) is only tenable if Mithridates was trying to oppose Lucullus' march from Melitene. According to Appian (*Mithr.* 90) Mithridates withdrew on Lucullus' approach into Armenia Minor.

VI. THE CLIMAX OF PIRACY: THE ACHIEVEMENT OF POMPEY

The organization of the pirate forces, which had been growing during the First Mithridatic War when their fleets were serving with those of Mithridates (p. 242), had rapidly reached a remarkable perfection. The lighter type of vessel, the *myoparo* and *hemiolia*, was giving place to the bireme and trireme. The whole fleet, which was said to number 1000, was organized in squadrons commanded by admirals (*strategoi*), their vessels being lavishly adorned with gold, silver and purple. This attention to appearance reveals a new spirit in the piratical marine and distinguishes the Cilician warships from the dirty craft which normally practised piracy in the Mediterranean. In other respects they differed from the ordinary skulking pirate and even the peaceful sailor of antiquity. The excellence of their seamanship was such that their vessels could keep the seas even in winter and by speed and skilful handling could outstrip any pursuer. Their bases on the Cilician coast were well equipped with munitions and stores, their arsenals manned with captives chained to their tasks, while the numbers of the pirates themselves were constantly increased by men broken by the wars and misgovernment of the time, who joined them as the one escape from ruin.

By this time the pirates swarmed over the whole Mediterranean. We have already seen them assisting Sertorius in 81 B.C.; negotiations were being carried on with Spartacus in 70 B.C.; during Verres' praetorship in Sicily (73–71 B.C.) a pirate squadron destroyed the guardships off the coast and entered the harbour of Syracuse under the eyes of the governor. In the Third Mithridatic War the pirate vessels were again at the disposal of the king, who on one occasion, when in danger of shipwreck, had no hesitation in transferring himself to the vessel of an arch-pirate. Not all of the bands who infested the Mediterranean at this time can have been Cilicians; piracy had raised its head everywhere. But a common spirit animated all the groups, the closest connection being maintained all over the Mediterranean, so that when the safety of those in one area was threatened they could count on reinforcements and money reaching them from another.

The condition of the inhabitants of the Mediterranean coasts during these years was lamentable. Secure in the impotence of Rome and the support of his fellows, the pirate stayed openly on shore, carrying his raids inland and attacking towns, which he took by storm or siege. Four hundred cities are said to have been captured, islands such as Delos and Aegina were overrun, and the coasts were becoming deserted. Even if due allowance is made for rhetorical exaggeration of their depredations, there is nevertheless a long list of towns and temples which were sacked; in the list of well-known Romans who were captured at sea or on land occur the names of Julius Caesar, Clodius, and Antonia, the daughter of the commander in the campaign of 102 B.C. She was carried off from the neighbourhood of Misenum on the Italian coast, to which the pirates were now paying particular attention, partly owing to the richer booty to be obtained, partly from motives of policy, since by attacking Italy itself it was the more easy to terrorize the provincials. In Italy the neighbourhood of Brundisium and the coasts of Campania and Etruria were the most dangerous. Two Roman praetors were carried off with their insignia, the Appian Way was no longer safe, a consular fleet was destroyed in the roads at Ostia, ships dared not put out from Brundisium except in winter, the corn-supply of the capital was threatened and Rome was faced with the prospect of a famine.

It is not surprising that the business classes and the people united to demand that drastic action should be taken. After a short struggle against senatorial opposition Pompey was appointed with the widest powers (see above, p. 345 *sq.*). He is said to have raised 20 legions, 270 ships and 6000 talents[1]. One of his first measures was to secure the food-supply of the capital, where his appointment had at once been followed by a fall of prices.

Pompey had realized that the pirates could only be dealt with by means of simultaneous action over the whole Mediterranean. For this purpose the Mediterranean and Black Seas were divided into thirteen commands, each district being placed under the control of one of his *legati*, who was made responsible for the rounding up of pirate forces and the reduction of enemy strongholds within his district[2]. Special arrangements were made for co-operation between the group-commanders so as to isolate the scattered bands of pirates and frustrate their known tactics of reinforcing threatened units. One of the most important of the local commands was that held by Terentius Varro, who received the naval crown after this campaign. His sphere of operations extended from Sicily to the Cyclades, and from the straits of Otranto to the

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[1] The most satisfactory discussion of these figures is by P. Groebe, *Klio*, x, 1910, pp. 375 *sqq.*

[2] For the details of the distribution of Pompey's forces, see *Annals of Archaeology*, x, 1923, pp. 42 *sqq.*

African coast. While his patrols closed the straits of Otranto to prevent the pirates of the Illyrian and Dalmatian coasts from issuing from the Adriatic, he also maintained contact in the south with the *legatus* in charge of the African coast, forming an effective barrier between the eastern and western halves of the Mediterranean and facilitating Pompey's scheme of clearing the west first. In the east the most interesting command is that of Q. Metellus Nepos. His district is described as Lycia, Pamphylia, Cyprus and Phoenicia. There was no question of any attack on the Cilician strongholds of the pirates until the rest of the Mediterranean had been cleared and Pompey himself was ready to deliver a direct attack on the Cilician coast. Metellus' business was to engage the pirates as they issued from the Cilician ports or sought to retire thither. Any that escaped him and endeavoured to fly westwards would fall in with Varro's patrols. The remaining commands were disposed in such a way as to cover the whole of the Mediterranean coast-line.

The campaign opened in the early spring of 67 B.C. with simultaneous attacks on the pirates in the various commands. Pompey himself with a mobile squadron of sixty ships swept the western seas, driving the scattered pirates on to the stationary forces already assembled. This part of his task was completed in forty days, and he was able to return to Rome to secure the good behaviour of his political opponents, before leaving for the East.

By the time he reached the East the cause of the pirates outside Cilicia had become desperate. After the victories of Lucullus at sea (p. 362) they had been deprived of the help of Mithridates. Now the overwhelming forces arrayed against them and the moderation which was shown towards captives induced numbers to surrender and reveal the hiding-places of the rest. There remained, however, the reduction of the fortresses of Cilicia, to which the most desperate had fled and were preparing for a final resistance. A powerful force equipped with siege-engines and prepared for all kinds of mountain warfare was made ready, the pirate fleet was defeated off Coracesium, and Pompey laid siege to the fortress. It was one of the most powerful in Cilicia, an eyrie on a precipitous rock above the sea and connected with the land only by a narrow isthmus. But resistance was hopeless; the defenders of Coracesium capitulated and were followed by the rest of the pirates throughout Cilicia.

The whole campaign had been completed in the short space of three months. It was a masterpiece of strategy, but Pompey's greatness is shown even more in the settlement adopted after his victory. Realizing that one of the chief causes of piracy was to be found in the misery of the times, he made due provision for the future of the survivors. Ruined men, who had joined the pirates in despair, were given a new start in life and transferred to inland districts where they were unlikely to relapse into their old habits. Many of them were settled in cities which had been depopulated, in Dyme in Achaea and the towns of Cilicia Pedias recently depopulated by Tigranes. It was long ago suggested that the old man of Corycus whom Virgil knew in Calabria was a reformed pirate who supported his old age by bee-keeping[1].

We are told that Pompey's moderation provoked some amount of criticism among his political opponents. More justifiable was the censure he incurred by another of his actions at this time. After the overthrow of Antonius (above, p. 356) wiser counsels had prevailed in Crete, and an embassy was sent to Rome to arrange the best terms possible. By personal appeals to individual senators the ambassadors contrived that a motion should be introduced into the Senate to the effect that the Cretans should again be received as friends and allies of the Roman people. The motion however was blocked by a tribune, and on the receipt of further complaints about Cretan behaviour an ultimatum was sent to the island. The Cretans were ordered to surrender their leaders with 300 hostages, to hand over their ships and pay an indemnity of 4000 talents of silver. The terms were rejected, and Q. Caecilius Metellus, the consul of 69, was sent with three legions to reduce the island.

Metellus set about his task with unnecessary brutality, with the result that the Cretans, hearing of Pompey's moderation, preferred to make their surrender to him. Pompey unwisely sent Octavius, an officer of his own, to the island. Finding himself ignored and the communities which had surrendered to him attacked by Metellus, Octavius sent to Greece for troops and, after the death of the colleague who brought them, endeavoured to meet Metellus by force. A minor civil war had broken out in Crete, Octavius joining one of the Cretan leaders and with him standing a siege in Hierapytna. But on the approach of Metellus himself Octavius withdrew and left him to complete the conquest of the island unhindered[2].

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[1] Servius on *Georgics*, IV, 125.

[2] Gortyn appears to have joined Metellus against her rival Cnossus, becoming in consequence the capital of Roman Crete. The Gortynians struck coins at this time in honour of Metellus with a head of Roma and an elephant's head, the device of the Caecilii, as symbols. See J. Friedländer in *Zeit. f. Num.* x, 1883, pp. 119 *sqq.*, and Vol. of Plates, iv, 12, *a*.

VII. POMPEY'S CAMPAIGNS IN 66 B.C.

The resounding achievement of Pompey marked him out as the man destined to complete the work of Lucullus, to succeed where Lucullus had failed or had seemed to fail. Neither Q. Marcius Rex in Cilicia nor M'. Acilius Glabrio in Bithynia had proved other than incompetent, and the Romans realized that in unity of command lay the key to victory. By the Lex Manilia early in 66 B.C. Pompey was re-appointed High Admiral of the Roman fleet, was nominated governor of Cilicia and Bithynia, and was charged with the conduct of operations against the kings of Pontus and Armenia (see above, p. 348 *sq.*).

On receipt of this commission Pompey moved forward from his winter-quarters in Cilicia to the upper Halys. Here he had a preliminary trial of strength with Lucullus, who vented his chagrin at being superseded by ignoring Pompey's arrival and issuing orders for the pacification of the provinces conquered by him (and since lost)[1]. At the instance of their friends the rival commanders agreed to a conference in eastern Galatia, which began with an exchange of formal compliments and ended in volleys of vituperation. In subsequent proclamations Pompey derided Lucullus as a tragedy general, whose victories were mere stage effects; Lucullus likened Pompey to a carrion bird, come to feast on others' kill. This war of manifestos, however, was more degrading than dangerous, for Pompey, with law and force alike on his side, soon reduced Lucullus to impotence. He gave orders that Lucullus' edicts should be treated as dead letters, and detached from him the remnant of his soldiery, save a posse of 1600 men (presumably invalids) to escort him home.

Before he delivered his attack upon Mithridates, Pompey sent an envoy to suggest a friendly accommodation. After some delay the king asked for the Roman terms, but on being informed that he must lay down his arms, hand over his deserters, and place himself at Pompey's discretion, he broke off negotiations. No doubt Mithridates did not require the reminder which he received from his corps of Italian refugees, that these would use force to prevent their extradition. But Pompey could hardly have had a serious expectation that Mithridates would surrender without a further trial of arms. The real issue of the diplomatic campaign depended on the result of two rival embassies which Pompey on the one hand, and Mithridates and Tigranes on the other, sent to the Parthian king Phraates (p. 603). Although the price which Pompey offered for his assistance—the restoration of western Mesopotamia—was no higher than that which Lucullus had promised in 69 B.C., and which Tigranes was still prepared to pay, the Parthian king now overcame his long hesitations and took open sides with Rome. In coming to this decision Phraates no doubt paid homage to Pompey's formidable reputation, but his policy was chiefly influenced by a son and namesake of the Armenian king, who had fled to the Parthian court because his father was unconscionably slow in dying and dangerously quick in sending undutiful sons before him.

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[1] The law of Sulla, which allowed outgoing governors thirty days' grace after the arrival of their successors (p. 297, n. 5), left room for such conflicts of competence. A similar clash occurred in Cilicia in 51 B.C. between Appius Claudius and his successor Cicero.

The effect of the alliance between Pompey and Phraates was that while the Parthian king held Tigranes, Mithridates was left to face the Romans single-handed. Since his return to Pontus the king had recruited an army of 30,000 foot and 2000 horse, but in this force only the mounted men and the shrunken remnant of the Italian refugees were fit for hard fighting. Despite the impotence to which Lucullus had been reduced in 67 B.C., Mithridates had not ventured to pit his recruits against him in open battle, but had contented himself with forays into Bithynia and Cappadocia; in 66 B.C. he found himself outnumbered and outmatched by the reconstituted Roman forces. In addition to the field-armies used by him against the pirates, and the troops stationed in Bithynia and Cilicia, Pompey had appropriated the remainder of Lucullus' soldiers, and by the magic of his name he had induced most of the veterans discharged from Lucullus' service to re-enlist. His total numbers, exclusive of such allied contingents as he requisitioned from the king of Cappadocia and the Galatian chieftains, may be estimated at no less than 50,000 men[1].

In the summer of 66 B.C. Pompey ordered his fleet to patrol the coasts of Asia Minor, and with his army advanced from Galatia into Pontus. Employing the same strategy that he had used against Lucullus in 73 and 72 B.C., Mithridates fell back towards the valley of the Lycus, along which ran his main line of lateral communications, and sought to wear out his enemy in a campaign of raids and forays. Pompey, who had apparently not made any extensive drafts upon the mounted forces of his Cappadocian and Galatian allies, had not enough cavalry to meet Mithridates on equal terms in guerrilla warfare. He therefore attempted to break off by a side movement up the Lycus valley towards Armenia Minor, so as to cut off Mithridates from Tigranes, and to threaten his numerous treasure-castles in that region (p. 233). But Mithridates headed Pompey off, and barred his passage by occupying the rock-fortress of Dasteira (probably on the site of the later city of Nicopolis[1]). Resuming the guerrilla war round this position, the Pontic king again held the Romans at a disadvantage, until his horsemen, repeating the mistake which they had made in 72 against Lucullus, became over-eager, and were destroyed in an ambuscade. Having disposed of the Pontic horse, Pompey was free to replenish his supplies. At the same time the arrival of the reserve army, which he had called up from Cilicia, enabled him to draw a fortified ring round Dasteira. After a blockade of forty-five days Mithridates deceived the Roman night-watches with false flares and extricated all his army except the wounded. The king now endeavoured to slip away to Armenia; but his success in stealing away from Dasteira had been too complete. By saving his baggage-train he retarded his rate of march, so that Pompey, creeping round by hill tracks, was able to occupy unobserved a chain of bluffs commanding a gorge of the Lycus and cutting across the enemy line of retreat. In the ensuing night (the third after the flight from Dasteira) he threw the Pontic camp into confusion by a sudden discharge of missiles from the overlooking heights, and broke in upon it before the combatants could disentangle themselves from the stampeding baggage-train. Once again, as at Cabeira, Mithridates cut his way out. But the 'battle of Nicopolis' (to use the accepted but not quite accurate name) proved an irreparable disaster.

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[1] On the strength of Pompey's army, see J. Kromayer in *N.J. Kl. Alt.* XXXIII, 1914, p. 160

Once more an exile from his kingdom, Mithridates passed into Greater Armenia and invoked the aid of his son-in-law Tigranes. But the Armenian king gave his guest an even chillier welcome than in 72 B.C. While Mithridates was engaged with Pompey, Tigranes had been driven back upon his capital Artaxata by the Parthian king, and had been held there under blockade; but when Phraates prematurely drew off part of the investing force, the Armenian king sallied out and scattered the remnant of the besieging army, which Phraates had left in charge of Tigranes' rebel son. The younger Tigranes' first thought now was to obtain assistance from Mithridates, but when he heard that Mithridates was himself in quest of aid, he turned off to find Pompey. Meantime, however, the news of his intended overtures to the Pontic king had reached his father's ears, and brought seeming confirmation of the Armenian monarch's suspicions in regard to his neighbour. Accordingly Tigranes answered Mithridates' request for help by setting a price upon his head. The Pontic exile made a hurried flight from Armenia to Colchis, and secured himself for the ensuing winter at the harbour of Dioscurias.

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[1] On this identification, see Th. Reinach, *Mithridate Eupator*, p. 385 n.; J. G. C. Anderson, *J.R.S.* XII, 1922, pp. 99 *sqq.*

Meanwhile Pompey, having lost touch with Mithridates, ordered a blockade of the Black Sea ports, but did not press the pursuit. His army no doubt needed rest, for he left a sufficient number of wounded and sick men at Dasteira to form the nucleus of a new settlement, the future city of Nicopolis. But at the invitation of the younger Tigranes he crossed the Euphrates and advanced down the Araxes valley towards Artaxata. Not far from this town he met the Armenian king, who completely lost his nerve at Pompey's approach and made an abject surrender. Thus Pompey ended the Armenian wars without a further battle.

The campaign of 66 B.C. closed with a brief passage of arms in the valley of the river Cyrus, where Pompey pitched his winter camps under the shelter of Mt Caucasus. His occupation of the Armenian borderland alarmed the neighbouring Albanians, a nomad folk whose grazing grounds lay between the Cyrus, Mt Caucasus and the Black Sea. On the day of the Saturnalia (December 17) their chieftain Oroezes, taking advantage of the division of Pompey's force into three separate cantonments, attempted a triple surprise on the Roman leaguers. But Pompey and his lieutenants were on their guard, and beat off their ill-armed opponents with heavy slaughter.

VIII. POMPEY'S LATER CAMPAIGNS

In the spring of 65 B.C. Pompey resumed his tardy pursuit of Mithridates. Anticipating resistance by the Iberians—a well-organized agricultural folk, with an Iranian governing class, who dwelt in modern Georgia—he crossed the frontier passes and overawed their king Artoces into granting him passage across the Cyrus. Mistrusting a sudden flight by Artoces into the recesses of his realm, Pompey pursued him and made short work of his troops in a battle in which the Roman legionaries rushed the Oriental archers, like the Athenians at Marathon. After receiving the submission of Artoces, the Roman general proceeded unhindered along the Phasis to the Black Sea coast, where he rejoined a detachment of his fleet. From the Phasis estuary he threaded his way for a short distance along the coast, but found his further progress barred by the insurmountable cliffs of the Caucasus outspurs. For a second time Pompey left Mithridates to the care of his navy, and devoted the rest of 65 B.C. to the systematic conquest of the Albanians in the Caspian borderland. This seemingly superfluous campaign may be explained by a desire on Pompey's part to develop a trans-Caspian trade-route to the farther East[1]—a scheme which had occupied Seleucus I and was to engage the attention of Nero. But probably his main object was to gain the glory of a triumph over peoples whose very names were new to the Romans. Returning to the Cyrus valley by a detour through Armenia, he crossed the river without opposition, and similarly effected the passages of the Cambyses and the Abas. Beyond this last stream he enticed the Albanian forces into a miniature battle of Cannae, encircling them with his horsemen from right and left. After receiving the submission of King Oroezes Pompey marched without further hindrance towards the Caspian. But at three days' distance from that lake he turned back, and recrossing Armenia for the last time he ended the year's campaigns with the capture of Mithridates' remaining treasure-castles in Armenia Minor. His retreat from Albania was no doubt dictated by regard for his army, which had suffered from drought and dysentery on the summer marches, and found its way to the Caspian impeded by an adder-infested country[2]. With the fate of Lucullus before his eyes Pompey could not venture to overdrive his men.

After the capitulation of King Tigranes the relations between Pompey and the Parthians underwent a sudden change. An attempt which Phraates made in 65 B.C. to recover from Tigranes the borderland of Gordyene (on the upper Tigris) was promptly foiled by Pompey, who detailed his lieutenants Afranius and Gabinius to occupy the debatable territory. The Parthian king hereupon withdrew his troops and asked Pompey for a new treaty. But the Roman general, who seemingly saw in Phraates a half-hearted ally and enemy, and perhaps was toying, like Lucullus before him, with the idea of Roman conquests in Babylonia, refused his request, and addressed him in disdainful and even provocative terms. Yet in 64 B.C., when Phraates renewed his attack upon Tigranes, Pompey contented himself with sending three commissioners to patch up a peace. Having restored Gordyene to Tigranes, Afranius and Gabinius were sent on to Syria. While Afranius cleared the passes through Mt Amanus of brigands, Gabinius took possession of Damascus, where he was presently reinforced by M. Scaurus[1].

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[1] According to Pliny (*N.H.* VI, 52), Pompey made inquiries as to the length of the Caspian route to India.

[2] Here Plutarch (*Pompey*, 36) is clearly right against Dio (XXXVII, 5, 1), who asserts that Pompey actually reached the Caspian.

After a winter spent in Armenia Minor, Pompey proceeded in the spring of 64 B.C. to Amisus on the Pontic coast, where he gave audiences to client-kings and made a provisional settlement of Asia Minor. While engaged in this task he recovered touch with Mithridates. In the previous year the fugitive king had skirted the Black Sea coast from Dioscurias to the Caucasus, and with an improvised fleet had slipped past the Roman naval patrols to the Taman peninsula. From this position he opened war upon his son Machares, who had made his peace with Lucullus in 70 B.C. and had been acknowledged by him as ruler of Mithridates' Russian dominions. By the prestige of his name Mithridates at once recovered the allegiance of the native chieftains on the east side of the Sea of Azov, and fomented revolt against his son in the Crimea. With another ready-made fleet he crossed the straits of Kertch and cornered Machares in Panticapaeum, where the rebel, unable to gain his father's ear by repeated embassies, was driven to suicide[2]. Having thus recovered his Russian provinces, Mithridates applied to be restored to Pontus as a vassal of Rome. But Pompey, who had no mind to sign another treaty of Dardanus, required Mithridates' personal submission, and the king, more stiff-kneed than Tigranes, rejected these terms.

Still trusting to the slow pressure of his naval blockade upon Mithridates, Pompey followed his advance detachments to Syria. Since the expulsion of Tigranes by Lucullus this land had relapsed into its previous state of anarchy. The Seleucid prince Antiochus XIII Asiaticus, whom Lucullus had acknowledged as rightful ruler of Syria, had been kidnapped by Sampsiceramus, a sheikh of Emesa, and Philip II, a grandson of Antiochus VIII Grypus, had replaced him at Antioch. But the authority of this King of Brentford hardly extended beyond the city gates. The countryside from desert to coast was overrun with robber-bands, and such of the towns as had not succumbed to petty dynasts like Sampsiceramus were left to fend for themselves. In Palestine the aggressions of the Maccabaean dynasty had been suspended by a family feud between the two sons of Alexander Jannaeus, Hyrcanus and Aristobulus II (p. 401 *sq.*). But this dispute was serving the no less dangerous ambitions of the Nabataean ruler Aretas III, who had taken the field in aid of Hyrcanus and invested Aristobulus in Jerusalem (65 B.C.). It is true that in this same year, or early in 64 B.C., the Jewish dispute was temporarily settled by Gabinius and Scaurus, to whom both the pretenders had offered substantial bribes for recognition. Pompey's lieutenants, believing that Aristobulus would pay his footing more promptly and with better grace, decided in the younger brother's favour, and Aretas raised the siege of Jerusalem when Scaurus advanced against him from Damascus.

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[1] The chronology of the Roman occupation of Syria, as given in Josephus' *Jewish Antiquities*, is sadly confused. His account in XIV [3, 1], 34–6, is here followed as against that of XIV [2, 3], 29–33.

[2] So Appian, *Mithr.* 102. Dio (XXXVI, 50, 3) states that Machares was killed by his own supporters at the instigation of Mithridates.

The rest of 64 and part of 63 B.C. were spent by Pompey in restoring order in Syria. This he accomplished by sending out detachments in all directions to round up the robber-bands, to demolish the pirate forts on the coast, and to bring the dynasts to submission. In the autumn of 64 he received deputations from Hyrcanus, appealing against Gabinius and Scaurus, and from Aristobulus, in defence of their award, but he put off the suitors until the ensuing year.

In the spring of 63 B.C. Pompey moved from Antioch to Damascus, where he received Hyrcanus and Aristobulus in person. Uninfluenced by a gift of a golden vine, valued at 500 talents, from Aristobulus, he decided against the younger pretender. Herein he plainly acted in Rome's best interests, for Aristobulus was a true scion of the Maccabaean conquerors, whereas Hyrcanus had no political ambitions beyond the royal title. But for the moment Pompey made no announcement of his award, and took no overt action against Aristobulus. For the time being, he was preoccupied with preparations for an expedition to Petra, the capital of King Aretas. In this project the desire to acquire an important centre of the perfume and spice trade may have counted for something, but its principal object no doubt was to win for Pompey the distinction of extending Roman authority to the Red Sea. But Pompey had not proceeded far on the way to Petra before he began to suspect that Aristobulus had divined his intentions and was meditating resistance. His suspicions were confirmed when Aristobulus, having obeyed an order to surrender his other fortified positions in Palestine, returned to Jerusalem and prepared for war. On arriving at Jericho he summoned Aristobulus and overawed him into a promise that he would receive a Roman force into Jerusalem and pay an indemnity. But Aristobulus was not able to redeem this undertaking, for his officers refused to admit Pompey's lieutenant Gabinius into the city. Hereupon Pompey put Aristobulus under arrest and diverted his march towards Jerusalem. He took possession of the lower town and the palace quarters without resistance, but was compelled to lay siege to the Temple precincts. He collected materials for filling the deep ravine under the Temple plateau, and brought up artillery from Tyre. But it was not until the third month of the siege that he overcame the natural strength of the position and the stubbornness of its defenders. The first Roman over the fortress walls was Faustus Sulla, son of the dictator.

The capture of Jerusalem was the last of Pompey's military achievements in the East. Whether his ambition was now satisfied, or whether, as seems more likely, he had taken to heart recent murmurings among his troops, who complained that Pompey was forgetting Mithridates over these distant adventures, he did not resume the interrupted campaign against Petra. In 62 B.C. he sent a force under Scaurus against Aretas; but this commander achieved no more than to harry his territory, and at the suggestion of Hyrcanus' minister Antipater (father of King Herod) he withdrew the Roman troops on payment of a blackmail[1].

IX. EGYPT

While Pompey was sweeping up the débris of the Seleucid monarchy, he came within striking distance of Egypt. Here the Ptolemaic dynasty had since the death of Ptolemy VI Philometor, its last worthy representative (vol. VIII, pp. 284, 525), become increasingly impotent to maintain order within its own house, and had ceased to be a power in Mediterranean politics. Its record of domestic strife and of palace revolutions is highly melodramatic, but historically unimportant.

After the death of Philometor in 145 B.C., the claims of his young son were set aside by a party in Alexandria, which had previously favoured the deceased king's brother, Ptolemy Euergetes II, nicknamed Physcon, and could now point to the dangers attendant upon a long minority reign by the lawful heir to the crown. Physcon, who had never acquiesced in his relegation to Cyrene, at once acted at a signal from his supporters and occupied the Egyptian capital, apparently without opposition. He also came to terms with Cleopatra II, the sister and widow of Philometor, who consented to a second brother-marriage in order to recover a share of the throne, and made no overt protest when her new husband put her child by Philometor out of the way. But when Physcon repudiated Cleopatra II in favour of her daughter by Philometor, Cleopatra III, the divorced wife appealed to the Alexandrians, who once before had made and unmade Physcon (vol. VIII, p. 284), and now for a second time turned against the ruler of their own choice. As the nickname Physcon ('Puffing Billy') declares, the city mob took offence at the physical appearance of their king, who had carried the hereditary corpulence of his family to monstrous proportions; and they no doubt were genuinely incensed at his treatment of Cleopatra II, for a chivalrous regard for distressed queens was their redeeming virtue[1]. With the help of his mercenary troops Physcon repeatedly beat down the Alexandrian rioters, but in 131 or 130 B.C. he was at last driven out to Cyprus, and Cleopatra assumed sole rule at Alexandria. By way of reproving her unwifely conduct, the exiled king murdered their only child and sent her the body, with limbs torn asunder according to the rules laid down for villains in Greek mythology, as a present for her birthday. In 129 B.C. he won his way back to Egypt, and outwardly at least he arrived at a fresh understanding with the queen. Meanwhile, however, the dynastic conflict had extended to the country, where the troops and the natives took sides for king or queen and waged a confused and protracted civil war.

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[1] Four years later Scaurus, as curule aedile, did not scruple to issue coins on which Aretas was shown as a suppliant kneeling beside a camel. See Vol. of Plates, iv, 12, *b*.

The eventual restoration of order in Egypt was marked by an Act of Grace issued in 118 B.C. in the name of the king, of 'Queen Cleopatra the Sister,' and of 'Queen Cleopatra the Wife[2].' In this notable ordinance the rulers confirmed all existing titles of possession in land, remitted all debts to the crown, and proclaimed an amnesty for recent political offences. For the future, they sternly admonished their officials to desist from the manifold extortions and oppressions which they had practised with impunity under cover of the civil war. This indulgence followed upon a series of similar proclamations at the close of previous periods of domestic strife[3]. It was also in keeping with the general policy of the Ptolemies in the second century, which acknowledged the need of making concessions to native unrest. Not only did these later rulers copy the example of the third-century kings in treating the indigenous priesthood with respect and in setting up new temples to the Egyptian gods, but they began to throw open the higher administrative offices to the native population. In the rebellions of the reigns of Physcon and of Lathyrus (p. 388) native officers were entrusted with military commands; and under Ptolemy Auletes an Egyptian was promoted to the post of Epistrategus or Governor-General of Upper Egypt, an office which had been created by the fifth Ptolemy for the very purpose of quelling disorder in that province[1].

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[1] The status of the two Cleopatras, aunt and niece, evidently caused perplexity to the Ptolemaic officials in the country. In the papyri of the period either Cleopatra, or both, are cited as queens without any apparent system.

[2] *P. Tebtunis*, 1, 5.

[3] *E.g.* in 164–163 B.C. (Wilcken, *Urkunden der Ptolemäerzeit*, vol. 1, nos. 110–111); and in 145 (*P. Turin*, 1, pp. 9, 21).

The continuous domestic conflicts of the second century left an enduring mark upon the economic condition of Egypt. The area of cultivation fell back from the limits to which the early Ptolemies had expanded it; and the native peasantry, unable to overthrow their Greek masters by active rebellion, had recourse to the weapon of passive resistance, and made concerted refusals to take up leases on the Crown Lands. It is true that partial compensation for these losses was found in a new development of commerce with the lands of the Red Sea and the Indian Ocean. The stimulus which the eastern trade received was in some measure due to the active interest of Ptolemy Physcon and Cleopatra III. About 120 B.C. Physcon engaged a Greek venturer, Eudoxus of Cyzicus, to explore the open-sea route from Aden to India under the guidance of a castaway Hindu who had offered to reveal to him the secret of the monsoons; and after this king's death Cleopatra III equipped a second expedition for the same captain, who returned successfully from both cruises with a cargo of spices and precious stones. Owing to a dispute about the sharing-out of the proceeds, Eudoxus did not stay on in the Ptolemaic service, and it was probably not until the time of Augustus that Greek navigators definitely discovered the law of the monsoons and made the Indian Ocean familiar to Greek enterprise[2]. But the Ptolemies continued to take the eastern trade under their special protection, and the Epistrategus of Upper Egypt was charged with the patrol of the Red Sea and the waters beyond Aden[3]. Yet the increment in commerce under the later kings did not make up for the shrinkage in agricultural production. It is significant that while Philometor and his successors continued to strike good silver (in a Cyprian mint) for purposes of commerce, they restricted the issue of coins for internal use to copper pieces. A heavy drop in the weight of the copper drachma under Philometor should probably be interpreted as a species of State bankruptcy, of which the Ptolemies set the example to the Caesars[1].

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[1] Various minor alterations in the routine of finance and jurisdiction are recorded in the papyri of the second century B.C. It will suffice here to note the creation of an *Idiologos* or Keeper of the King's Privy Purse (in or before 162 B.C.), in whom some scholars (with doubtful reason) see the prototype of the *Procurator Rei Privatae* of the Roman Emperors.

[2] Strabo II, 98–99. On Indian Ocean exploration under the later Ptolemies, see E. H. Warmington, in Cary and Warmington, *The Ancient Explorers*, pp. 70–72.

[3] *O.G.I.S.* 132, 186.

In 116 B.C. Ptolemy Physcon died in peace. By his testament he left his widow Cleopatra III to rule Egypt in association with either of her two sons by him[2]; but he constituted Cyrenaica into an appanage for an illegitimate offspring named Ptolemy Apion. By this disposition Cyrenaica, which Physcon had temporarily reunited to Egypt in 145 B.C., was definitely separated from it. At Alexandria Cleopatra had selected her younger child to succeed his father, presumably because she deemed him more pliable to her will. But the city mob again took matters into their own hands and compelled the queen-dowager to transmit the crown to the elder son. Thus Ptolemy VIII, officially styled Soter II, but popularly nicknamed Lathyrus ('Chick-Pea'), became king at Alexandria, while the junior brother was appointed governor of Cyprus. At first, it is true, Cleopatra had little cause to regret the disarrangement of her plans, for Lathyrus deferred to his mother to the extent of dismissing his wife and sister Cleopatra IV, and marrying in her stead a younger sister, Cleopatra V (Selene). Eventually Lathyrus showed signs of assuming the part of Nero in opposition to his mother's Agrippina, but Cleopatra III forestalled him by framing against him an accusation of attempted murder, which the Alexandrians accepted in good faith. In 108–107 B.C. a riot in the capital compelled Lathyrus to take flight, and his brother returned from Cyprus to reign in his stead as Ptolemy IX Alexander I. But the fugitive king contrived to raise a force in Syria and to assume possession of Cyprus, so as to reverse the parts between the two brothers.

These conflicts within the Ptolemaic dynasty influenced the parallel movement of domestic discord among the Seleucids. The divorced queen Cleopatra IV sought compensation for the lost crown of Egypt by marrying a Seleucid pretender, Antiochus IX Cyzicenus. Had Cyzicenus succeeded in establishing himself firmly at Antioch, no doubt she would have prompted him to avenge her dethronement by resuming the secular warfare between Seleucids and Ptolemies. But in 112 B.C. Cyzicenus lost his capital to a rival dynast, Antiochus VIII Grypus (vol. VIII, p. 531), and Cleopatra was hacked to pieces at the altar of Apollo at Daphne, to which she had fled for sanctuary. This sacrilege casts a fierce light upon the curse that was working itself out among the Ptolemies in mutual murder, for the ex-queen's executioner was her own sister Cleopatra Tryphaena, the wife of the victorious Grypus. Nemesis claimed her next victim in the following year, when Tryphaena fell into the hands of Cyzicenus and was immolated to her murdered kinswoman.

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[1] Th. Reinach, *Rev. E.G.* XLI, 1928, pp. 170 *sqq.*

[2] Since nothing is heard of Cleopatra II at this juncture, it may be assumed that she had died shortly before Physcon.

Not long after these events Ptolemy Lathyrus, having followed his first wife into exile, renewed her attempt to recover Egypt by way of Syria. With an army recruited in Cyprus he landed at Ptolemaïs on the Palestinian coast, and as protector of the Greek cities of the seaboard and ally of Cyzicenus, he made war upon the Hasmonaean Priest-King Jannaeus Alexander. At Asophon near the Jordan he won a battle in which thirty thousand of Jannaeus' troops are said to have been killed, and for one moment it appeared as if Coele-Syria might become once more a Ptolemaic dependency. But his plans were crossed by his mother, the queen-regent Cleopatra III, who made alliances with Jannaeus and Antiochus Grypus, and led an expedition into Palestine. Lathyrus, it is true, slipped past Cleopatra's army and made for Pelusium, but he was headed off by his mother's naval forces and presently retired to Cyprus, abandoning all his gains. At the same time Cleopatra withdrew to Egypt, and Coele-Syria once for all passed out of Ptolemaic hands (see below, p. 399).

After the death of Cleopatra III, which befell about 101 B.C., Ptolemy Alexander I became ruler as well as king of Egypt, only to discover that the Alexandrians had tolerated him merely to please his mother. He fell under suspicion of having removed his mother by foul play, and his unpopularity was increased by his ungainly figure, which swelled out to the same proportions as that of his father Physcon. In 89 B.C. a military émeute compelled him to flee the country, and although he presently recaptured Alexandria with a mercenary force from Syria, he was promptly driven out again by the city mob, which he goaded to fresh rebellion by despoiling the tomb of Alexander the Great in order to pay off his foreign soldiers. A second attempt on his part to fight his way back with troops levied in Lycia was headed off by the Egyptian fleet, and the exiled king lost his life in a naval battle (88 B.C.).

The death of Ptolemy Alexander I made room for his brother

Lathyrus, who now returned from Cyprus and was accepted by the Alexandrians without demur. But the second half of his reign in Egypt was troubled with a renewal of unrest in the Thebais. Despite recent concessions to the native Egyptians, each fresh disorder in Alexandria, by bringing heavier taxes in its train, or conferring greater licence of oppression upon the officials, was an incitement to further rebellion. At Thebes, moreover, the memories of the national uprising against the alien Hyksos (vol. I, p. 314 *sq.*) had been kept alive by the powerful priesthood of Amen, among whom leaders for a new revolt against foreign domination readily offered themselves. In 88 B.C. the Ptolemaic troops became involved in a three years' war in Upper Egypt which ended in the destruction of Thebes.

In 80 B.C. Lathyrus died without legitimate male issue. With the concurrence of the Alexandrians his daughter Berenice, who had previously been married to her uncle Ptolemy Alexander I, took the government into her hands. But she had reckoned without a son of Ptolemy Alexander by a former wife. This prince, who had been relegated by his grandmother, Cleopatra III, to the island of Cos, beyond the reach of Alexandrian factions, had fallen captive to Mithridates of Pontus in 88 B.C. (p. 243), but had subsequently escaped to the camp of Sulla and had been taken by him to Rome. Shortly after the death of Lathyrus he presented himself at Alexandria with a warrant from Sulla which the Alexandrians did not dare to dispute. The *protégé* of the Roman dictator was accordingly proclaimed as Ptolemy X Alexander II, and by taking Berenice to be his queen he apparently satisfied her claims to power. But on the morrow of the marriage a new struggle for ascendancy within the Ptolemaic house began; the king procured the murder of his refractory consort, and on the nineteenth day of his reign was himself lynched by the city mob, incensed at the death of their favourite princess.

In the absence of any legitimate claimants to the throne, the Alexandrians now raised up two illegitimate sons of Lathyrus, one of whom was made king of Egypt, while the younger brother was sent to Cyprus, where he established a virtually independent rule (see p. 527). The new Egyptian monarch, not content with the official titulature of Ptolemy Theos Philopator Philadelphos, added to this list the name of Neos Dionysos; but he was popularly known as Auletes (the 'Piper'), a nickname which summed up his accomplishments. But however acceptable Auletes might be to the Alexandrians, he had assumed power without the consent of Sulla, and as the supplanter of the dictator's nominee. He therefore created an 'Egyptian Question' in Roman politics, and reigned under the shadow of Roman intervention.

In 168 B.C. the Roman Republic had interfered drastically in defence of the Ptolemies against Antiochus IV of Syria. But once the danger of a Seleucid conquest of Egypt had been averted, its interest in the affairs of that country had become very desultory, and in the disputes between Ptolemy Philometor and his brother Physcon it had been but a half-hearted arbiter (vol. VIII, p. 283 *sq.*). To the advocates of imperial expansion at Rome Egypt indeed offered a tempting prize. Despite the misgovernment of the later Ptolemies, it still possessed a large funded treasure and might at short notice be converted into one of Rome's chief granaries. Amid the family feuds of the ruling dynasty specious pretexts for Roman interference would not be far to seek, and to the military resources of the Republic the natural defences of Egypt could offer no protracted obstacle. It may be not wholly without political significance that in the later half of the second century the Romans showed various signs of interest in the Ptolemaic kingdom. Roman merchants settled at Alexandria[1]; Roman senators made tours of inspection up the River Nile[2]; in 140 or (more probably) 135 B.C. Scipio Aemilianus in person paid a visit to Physcon and brought away a vivid impression of the ample natural resources of the country[3]. On the other hand, it was the set policy of the governing aristocracy of the later Republic not to burden itself with additional duties of overseas administration, and it had no less reason than the Roman emperors in later times to fear that a province of Egypt might serve as a base for an ambitious proconsul bent on personal aggrandizement. The Senate therefore allowed Ptolemy Physcon and his sons to fight out their dynastic wars without interference. The same insouciance was displayed by the Roman government in 96 B.C., when Ptolemy Apion died and bequeathed his principality of Cyrene to the Republic. Though it was not loth to receive into its hands the lucrative trade in silphium from that district, and accordingly sent a commissioner to take charge of the late king's domains, it left the government of Cyrenaica in the hands of the Greek cities, upon which it conferred freedom. In the winter of 87–86 B.C. Sulla's lieutenant Lucullus, finding Cyrene at feud with its neighbours and a prey to petty tyrants, settled its affairs for the time being. But it was not until 74 B.C. that the Senate, intent on closing the Mediterranean coastlands to the pirates (p. 442), definitely converted Cyrenaica into a Roman province.

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[1] *O.G.I.S.* 135.

[2] *P. Tebtunis*, I, 33 (112 B.C.). An exhortation by a *dioiketes* to a subordinate to receive a Roman Senator deferentially (and to feed the sacred crocodiles for his amusement).

[3] Diodorus XXXIII, 28a; Posidonius, *ap.* Athen. XII, 549D; Plutarch, *Moralia*, 200E. For the date of Aemilianus' visit, see Bouché-Leclercq, *Histoire des Lagides*, II, p. 68 n. 1.

The visit of Lucullus to Cyrene was an incident on a voyage to Alexandria, where Sulla had instructed him to borrow the Ptolemaic fleet for use against Mithridates. Though he was received with every mark of deference by Ptolemy Lathyrus, he was unable to move the king from his attitude of anxious neutrality. The rebuff which Sulla thus received from Lathyrus was no doubt the reason which determined him in 80 B.C. to impose a nominee of his own upon Egypt. If it be true that he dictated to his client, Ptolemy X Alexander II, the testament produced at Rome after the king's death, in which he followed Ptolemy Apion's example in bequeathing his realm to Rome, we may conclude that Sulla intended to gather in Egypt for the Republic by the same policy of 'lapse' which Lord Auckland applied to the native kingdoms of India. Yet neither he nor the restored senatorial government after him took any steps to avenge the death of Ptolemy Alexander, or to give force to his supposed testament; and when Crassus, for reasons of his own, proposed the annexation of Egypt to the People, the Senate's spokesmen carried the day against him (p. 480). Therefore when Pompey entered Palestine, the Egyptian Question remained unsettled, and Ptolemy Auletes was still in possession of the throne. He realized the wisdom of currying favour with Pompey and in 63 B.C. sent 8000 cavalry to his assistance, but since this implied renunciation of the Ptolemies' own claim to Palestine, he increased his unpopularity in Egypt. In 62 Pompey could easily have found a pretext for supporting Ptolemy with military force and anticipating the exploits of his lieutenant Gabinius in 55 B.C. (p. 604). But for the time being he did nothing to repay the service rendered. At the end of 63 he went into winter-quarters at Amisus, and he spent the next year in Asia Minor, putting the finishing touches to his political settlement.

X. POMPEY'S SETTLEMENT OF THE EAST

While Pompey was on his march towards Petra, he had received news of the death of Mithridates. In leaving this enemy to be reduced by the Roman blockade Pompey took the same risks as Scipio Africanus in 208 B.C., when he lost touch with Hasdrubal

Barca (vol. VIII, p. 87); but the gamble was equally justified by events. Not that Mithridates was in danger of starvation in the Russian cornlands. He used his respite to raise a new fleet and an army of 36,000 men equipped in Roman fashion. With this force, and with auxiliaries recruited among the Balkan peoples, he planned a march up the Danube and across the Carnic Alps into Italy—a concept worthy of Hannibal or Attila. But this extreme effort, which the king pursued with unflinching determination, overstrained the loyalty of his subjects, who saw their very plough-cattle commandeered, and of his soldiers, none of whom, and least of all the Roman renegades, were willing to face an invasion of Italy. Early in 63 a revolt broke out at Phanagoreia (on the east side of the Kertch straits) and spread to the Crimea. Mithridates suppressed the insurrection with indiscriminating severity, yet he pardoned a favourite but discontented son named Pharnaces. In giving this grace he incited the culprit, who distrusted his father's mercy, to seek assurance in a second plot. At the head of the mutinous soldiery Pharnaces entered Panticapaeum and drove his father into the citadel. From this last refuge Mithridates attempted negotiations, but finding Pharnaces more merciless than himself, he massacred his remaining children and his harem, and attempted his own life with poison. Finding the poison ineffectual—for by a lifelong diet of prophylactics he had rendered himself immune beyond his own wish—he obtained death from one of his Celtic bodyguards.

The Roman Republic never encountered a stouter adversary in the East than Mithridates. His physical power and mental energy, which remained unabated to the end of his sixty-eight years of life, recalled those of the giants of Alexander's age. By his administrative talents he made the Oriental monarchy into a worthy successor of the dying Hellenistic kingdoms. He fostered the growth of commerce and of city life in Pontus, and out of its rising revenues he built up an army which he trained in Greek fashion, and re-drilled, like Vercingetorix, on a Roman pattern. In preparation for his conquests, he practised the various devices of diplomacy. He made a bid for the sympathy of the Hellenic populations by patronizing Greek artists and literary men; he held off the Romans by humouring them until he was ready to strike. Above all, his courage and resilience in adversity were never equalled among Rome's eastern antagonists. In his last hopeless struggle against Pompey, Mithridates displayed a stubborn pluck like that of a wounded boar returning again and again to the charge.

But success against the Roman Republic required either a military genius or a prophet and leader of a holy war. For the rôle of a crusader Mithridates was wholly unfitted, for as a personality he struck cold: though he knew how to buy servants, he could not win friends. As a father and husband he out-Heroded Herod; in his political dealings he stooped to assassination, whether by his own poniard or by the mass-attack of head-hunters. Moreover, in breed and culture he was a hybrid whom neither East nor West could claim as its own[1]. The Greeks who allied themselves with him were bound by nothing but the precarious tie of a common dislike of Rome; the Iranian nobility of his realm saw in him a despot rather than a compatriot. Furthermore, if Mithridates was a great war-minister, he was not a great general. A capable leader of guerrillas, he won skirmishes but lost battles, and while in his earlier wars he was well served by his Greek subordinates, Diophantus and Archelaus, in his last struggle against Rome he disposed only of his own mediocre talents. In a trial of strength against the new professional army of Rome, led by three of the Republic's ablest generals, he protracted the conflict to the uttermost, yet he achieved no more than to delay a defeat that was certain.

Under the terms of the Lex Manilia Pompey carried out a general settlement of the Near East, without the assistance of the usual decemviral commission from the Senate. To safeguard Roman authority, and to secure peace by land and sea, he enlarged two of the existing provinces and created two new ones. Bithynia was extended to the river Halys or, more probably, to the Iris[2]. Cilicia was enlarged by the permanent and effective occupation of the coastland as far as Lycia, and of the inland districts of Lycaonia, Pisidia and southern Phrygia[3]. The island of Crete was annexed by right of conquest over the pirates; Syria was incorporated partly for strategic reasons of frontier defence, partly to give its people that protection against inland raiders and corsairs on the coast, which the last Seleucid kings had failed to supply[1]. By these acquisitions the whole seaboard of Nearer Asia, with the exception of Lycia, of the territories of Cyzicus and of Pontic Heraclea, and of eastern Pontus, was brought under direct Roman rule.

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[1] It is significant that Mithridates regarded the Anatolian, Iranian and Hellenic cults in his realm with indifferent favour. He was in no sense a precursor of Mohammed.

[2] See Map 11, facing p. 396. The statement that the eastern boundary of Bithynia was fixed at the Halys rests on a doubtful interpretation of Strabo XII, 544. (B. Niese, *Rh. Mus.* 1883, pp. 577 *sqq.*) From Strabo XII, 547, where it is said that the seaboard east of the Halys was shared between the Galatian Deiotarus and the city of Amisus (which presumably was included in the Roman province), it may be inferred that the frontier-line was formed by the river Iris.

[3] These inland regions had been nominally under Roman rule since 102 or at all events since 84 B.C., but they were not effectively annexed until after the pirate wars.

But where military considerations did not impose a policy of annexation, Pompey adhered to the established Roman principle of leaving the administration of the eastern lands to the dependent kings or city-states. In the Black Sea region he confirmed Pharnaces in the possession of his father's Russian dominions; he conferred the eastern half of the Pontic coastland, from the Halys or the Iris to Trapezus, together with the title of king, upon the Galatian chieftain Deiotarus; he left the seaboard of Colchis in the hands of a dynast named Aristarchus. The kings of Iberia and Albania were, nominally at least, enrolled as Roman vassals. In the interior of Asia Minor Pompey recognized several petty dynasts: Attalus and Pylaemenes in the mountainous inland of Paphlagonia, Tarcondimotus in the recesses of Mt Amanus. To Brogitarus, chief of the Trocmi in eastern Galatia, he gave a slice of inland Pontus with the town of Mithridatium. Whether he bestowed upon Deiotarus other territories than the eastern coastland of Pontus is not certain. But since this chieftain is found not long after in possession of Armenia Minor and of central Galatia (the land of the Tectosages) in addition to his native dominion of western Galatia, it seems not unlikely that he received these other territories from Pompey[2].

On the Euphrates border Ariobarzanes of Cappadocia and Antiochus of Commagene were confirmed in their several kingdoms and received the adjacent strips of Mesopotamia as bridgeheads. Lastly, Pompey did not follow the secularizing policy of the earlier Seleucids in regard to the great temple-domains of Asia Minor (vol. VII, p. 183), but left them under ecclesiastical administration. At the sanctuary of Ma at the Pontic Comana he appointed Archelaus, son of Sulla's former antagonist, as High

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[1] On the importance of occupying the coast of Syria as a safeguard against piracy, see J. Dobiáš, *Archiv Orientalni*, III, 1931, pp. 244 *sqq*.

[2] Cicero's statement (*Phil.* II, 37, 94) that Deiotarus received Armenia Minor from the *Senate* does not exclude the possibility that the Senate herein acted in concurrence with Pompey: indeed it is not easy to find an occasion on which that body could have made a grant to Deiotarus without Pompey's consent. The statement of Strabo (XII, 547) that Deiotarus' new possessions in eastern Pontus extended *as far as* Armenia Minor should perhaps not be pressed.

Priest. Beyond the Euphrates he apportioned the debatable territory of Mesopotamia in disregard of his previous treaty with the king of Parthia. Instead of recovering the whole of this country from Tigranes, Phraates was put off with the district of Adiabene (round Nineveh), while Tigranes was allowed to keep Gordyene (round Nisibis); and Osrhoëne (in the loop of the middle Euphrates) was assigned to an Arab sheikh named Abgarus, who, officially styled Abgar II, was commissioned to hold open the gate for an eventual Roman advance into Mesopotamia (see further below, p. 603 *sq.* and Map 14, facing p. 612).

On the outskirts of the Syrian province Pompey reinstated Sampsiceramus of Emesa, Ptolemy of Chalcis, and several other petty dynasts, and he restored Damascus to the Nabataean kingdom. He recognized Hyrcanus as High Priest and ruler of Judaea, but withheld from him the title of king. Furthermore, he detached from Judaea the entire seaboard from Gaza to Mt Carmel, the district of Samaria, and a cluster of ten towns (henceforth called the Decapolis) extending along the Jordan from Pella and Scythopolis to the Dead Sea, so that the Hasmonaean dynasty lost all its acquisitions save Idumaea, Peraea and Galilee (p. 403).

In the new or enlarged provinces Pompey regulated the details of administration by special charters. In Bithynia the 'Lex Pompeia' was still in force in the days of the younger Pliny[1]. The most distinctive feature in Pompey's administrative arrangements was the stimulus which he gave to city life in the Near East. Thirty-nine towns of Asia Minor and Syria were reckoned as his foundations; in Pontus alone eleven cities were established by him[2]. In some instances Pompey merely reconstituted older cities which had become depopulated under the stress of pirate raids, of prolonged warfare, or of Tigranes' transplantations: thus Pompeiopolis in Cilicia was a substitute for Soli[3]. Elsewhere he formed new urban centres by drawing together the inhabitants of the adjacent villages. At Nicopolis he created a mixed community of natives and of invalid soldiers from his army; but this is the only known instance in which he settled Italian colonists on Asian soil.

In the cities founded or re-organized by him Pompey followed the usual practice of prescribing a property qualification for admission to political offices; but in other respects he gave them a full measure of autonomy. He likewise maintained the liberties of the older cities (including Antioch, Seleuceia on the Orontes, and the Phoenician towns), and confirmed the grants of self-government which Lucullus had made to Sinope and Amisus in Pontus. In the dominion of Pharnaces Phanagoreia was declared a free town, and similar privileges were no doubt assured to other cities outside the direct sphere of Roman rule. A sporadic coinage in bronze and silver suggests that Pompey generally conceded the right to issue money, although not many of the towns actually exercised it.

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[1] *ad Traian. imp.* 79, 80, 112, 114, 115.

[2] These included Diospolis (on the site of Cabeira), Megalopolis (subsequently renamed Sebasteia), and Magnopolis (the successor of Mithridates' colony of Eupatoria).

[3] The bronze coins of the new city bear the head of Pompey and the figure of Athena, the chief deity of Soli. See Vol. of Plates, iv, 12, *c*.

But if the cities of Asia Minor for the most part became 'liberae,' only a few highly favoured towns like Rhodes and Cyzicus remained 'immunes.' In general, the cities were required to pay the tithe on the produce of their lands to which they had been liable under their former rulers. Similarly all the kings, dynasts and high priests of the dependencies this side of the Euphrates were called upon to make a yearly contribution; the peasants of the crown lands of Bithynia and Pontus transferred their former tithes to the Roman exchequer[1]. The collection of the provincial revenues was left, according to the usual practice of the Roman Republic, in the hands of publicani who underwrote the risks of an uncertain yield under the quota system. But the collection of dues from the individual tax-payers on the municipal territories was left to the municipal authorities, who made collective bargains with the Roman tax-farmers[2].

At his triumph in September 61 B.C. Pompey exhibited placards declaring that he had conquered 1538 cities or strongholds and a population of 12,178,000 souls, and that he had carried Roman arms to the Sea of Azov and the Red Sea. These claims were partly untrue and for the rest gave a false impression. It is true that Pompey had exhibited great powers of strategic planning in the pirate war, and considerable tactical ability in the campaigns of 66 and 65 B.C.; and he had won the obedience of his troops without giving them the usual licence to plunder. Yet the taunt which Lucullus had hurled at him, that he had merely come to reap what others had sown, was not without foundation. Lucullus, fighting against heavy odds, had broken the backbone of Mithridates' and Tigranes' armies; Pompey, with superior forces, delivered the finishing stroke at an enemy already crippled, and his only victories in the field over unbeaten antagonists were gained at the expense of half-civilized peoples like the Albanians and Iberians.

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[1] Little is known of Pompey's arrangements in regard to the extensive crown lands and royal domains of Bithynia and Pontus. Probably a considerable part of these territories was made over to the municipia, new or old. It is uncertain whether he took any steps to emancipate the serf populations on the royal domains and the temple domains. The important mines of Pontus were no doubt leased to *entrepreneurs*.

[2] On Pompey's arrangements for tax-collection, see T. Frank, *Roman Imperialism*, p. 323 *sq*.

Yet Pompey's term of command in the East is a landmark in the history of Rome and of Nearer Asia. To the Roman Republic Pompey brought the largest increment of wealth that accrued from any of its foreign wars. After distributing a bounty of 384 million sesterces (£3,360,000) among his soldiers, he still had 480 million sesterces (£4,200,000) left to pay into the treasury, and he augmented the annual tributary revenue of Rome from 200 million to 340 million sesterces. In return for the taxes and indemnities levied by Pompey, the peoples of the Near East obtained peace such as they had not enjoyed since the fall of the Persian Empire. The seas were all but cleared of corsairs, Syria was delivered from anarchy, and apart from some lesser disorders due to the growing ambitions of King Deiotarus, Asia Minor long remained immune from war. In his settlement with Parthia, it is true, Pompey sowed the seeds of future trouble, but with Syria and the Euphrates crossings in the hands of Rome and her allies, a Parthian attack could henceforth be met, and usually was met, by a Roman invasion of Parthian territory. Lastly, in fostering city life in Asia Minor and Syria Pompey gave a new impulse to the diffusion of Hellenic civilization, and prepared for the economic renaissance of the Near East under the early Roman emperors. Though Pompey's conquests have little of the glamour of Caesar's Gallic Wars, they will bear comparison with these in their ultimate effects upon the course of ancient history.

CHAPTER IX

THE JEWS

I. JEWISH HISTORY TO THE RISE OF HEROD

THE events which have been recounted in the previous chapter brought the Jews to the notice of the Romans for the first time since the Senate meditated using them to hamper the recovery of Seleucid Syria (vol. VIII, p. 519). It is convenient at this point to describe their history in this period, and, at the same time, the development of their religion and ideas, which were destined to have an influence, through Christianity, far beyond the narrow limits of Palestine.

During the reign of the two sons of the High Priest John Hyrcanus the Jewish State in Palestine, now completely independent under its new Hasmonaean dynasty, reached its highest point of extension and power. Once more, nearly five centuries after Babylon had extinguished the old Davidic kingdom, a Jewish king reigned in Jerusalem with no Gentile overlord. Such a kingdom proved, however, to be only a transitory phenomenon belonging to the chaotic interim in the Nearer East between the break-up of the Seleucid empire and the day when Rome entered on the inheritance. A multitude of local dynasties shot up for their brief period of power over Syria and Asia Minor, and amongst these was the Hasmonaean dynasty in Palestine. In a former chapter it was shown how already in the days of John Hyrcanus three processes had begun which mark the early history of the house of Hashmon: one was the advance of the Hasmonaean High Priest to kingship, another was the growing enmity between the Hasmonaean house and the religious section of the people by whose help it had risen to power, and a third was the territorial expansion of the Jewish State. These culminated in the reign of Jannaeus Alexander (vol. VIII, pp. 531 *sqq.*).

The immediate successor of Hyrcanus was his son, who bore the Hebrew name of Judah and the Greek name of Aristobulus (104–103 B.C.). Josephus says that he assumed the style of king

Note. The chief sources for the narrative in this chapter are Josephus, *Antiquities*, XIII [11], 301 to the end of XIV; *Wars*, I [3, 1], 70—[18, 3], 357. See further, the Bibliography. See Map 2, facing p. 103.

and its Hellenistic emblem, the diadem; but his coins still bear, in Hebrew, only the legend 'Jehūdah, High Priest,' and, according to Strabo (xvi, 762), it was Jannaeus who first assumed the kingship. It may be that Aristobulus presented himself as king in his dealings with his hellenized neighbours or with Greeks resorting to Jerusalem, but did not yet bear the name of king for his Jewish subjects. With the Greeks Aristobulus was popular: Josephus uses a phrase 'styled philhellene' (χρηματίσας φιλέλληυ) which need not necessarily mean that *Philhellene* was an actual surname attached to him. The Alexandrian historian Timagenes (last century B.C.) called him 'fair-minded' (ἐπιεικής). In his domestic relations, however, he reproduced the worst type of Oriental despot: three of his brothers he kept in prison, one brother he killed, and his mother he starved to death. At least that is the account given by Josephus: it may be coloured, as has been suspected[1], by Pharisaic hatred. The brief reign of Aristobulus was chiefly memorable for an expansion of the Jewish State to the north—the conquest of Galilee, inhabited in part by a tribe of warlike hill-men, Ituraeans. According to the precedent set by Hyrcanus in Idumaea, the conquered heathen were compelled to accept circumcision and become Jews. The Galileans of the time of Jesus Christ must have had largely heathen ancestors.

Aristobulus was succeeded by his brother Jannaeus or Jannai whose Greek name was Alexander (103–76 B.C.). In him beyond all doubt the kingship was added to the High-Priesthood[2]. It was a departure from the traditional idea that a man of the tribe of Levi, not of the house of David, should be king in Jerusalem. If some of the religious disapproved of the combination, others were able to point to such foreshadowings of it in the sacred books as the figure of Melchizedek, both King of Salem and Priest of the Most High God. It is commonly believed to-day by scholars that Psalm cx, in which the psalmist tells some warrior ruler 'Thou art a priest for ever after the order of Melchizedek,' is an acrostic originally addressed to Simon: if so, a thought had already at that time become current which might embolden Simon's grandson to call himself formally King. In a document embodied in the *Testaments of the Twelve Patriarchs* Levi is represented as receiving a promise from heaven that of his seed one should arise 'called by a new name,' who would both be a king in Judah and 'establish a new priesthood[1].' This shows at least that some religious Jews, when it was written, regarded the Levite priest-kingship as of Divine appointment. 'Draw ye near to Levi in humbleness of heart, that ye may receive a blessing from his mouth. For he shall bless Israel and Judah, because him hath the Lord chosen to be king over all the nation[2].'

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[1] By Schürer, *Gesch. des jüdischen Volkes*, I, ed. 4, p. 276.

[2] Jannai at last puts the title of king on his coins—not only in their Greek legend Βασιλέως Ἀλεξάνδρου but in their Hebrew legend 'Jehônathan the King.' See Volume of Plates iv, 2, *h*.

The new Priest-King proved to be a savage ruffian. His reign was filled with fighting. His arms extended the borders of the Jewish kingdom till it practically coincided with the kingdom of David. The first of his enterprises, an attack on Ptolemaïs, brought about complications, for Ptolemaïs called in Ptolemy Lathyrus, at that moment ruling Cyprus in enmity with his mother Cleopatra III, who was ruling Egypt (p. 387). At Asophon in the Jordan valley Jannaeus sustained a severe defeat. Then Cleopatra plunged into the confusion with an army from Egypt, in which the Jew Ananias, a son of the Onias who had fled to Egypt and built the temple at Leontopolis (see vol. VIII, p. 517), held a high command. She drove Ptolemy's forces out of the field, and, according to Josephus (*Ant.* XIII [13, 2], 354), would have annexed Palestine once more to the Ptolemaic realm, had not Ananias warned her that this would displease the Egyptian Jews, with whom she could not afford to quarrel. She therefore evacuated the country, leaving Jannaeus to prosecute his plans (about 102 B.C.).

His first conquest was beyond Jordan: it included the Greek city of Gadara, illustrious for its literary men, and Amathus. Then he subjugated the hellenized Philistine coast; Gaza, which had sustained glorious sieges by Alexander the Great and by Antiochus the Great, had to capitulate after a year's siege to the Jewish Alexander, and was given to the flames (96 B.C.). The next years were marked by troubles and vicissitudes which might have quelled any one of less fiery spirit. The Nabataeans with their capital at Petra, enriched by the traffic across Arabia between the Mediterranean and the Persian Gulf, had in this interval between Seleucid and Roman rule established, like the Jews, a strong independent State, probably Arab in race and speech, though using Aramaic as the official and literary language. They were the most dangerous rivals whom the Jews had. An expedition in which Jannaeus was trying to extend his conquests beyond Gadara into the hills of Gaulanitis brought him into collision with the Nabataean king, Obedas I (Obādath?), and Jannaeus came back to Jerusalem, a fugitive, with only the relics of an army (about 90 B.C.). Meantime, hatred of the Hasmonaean High Priest amongst the Pharisees and a large section of the Jewish people influenced by them had become aggravated. According to a story told by Josephus (*Ant.* XIII [13, 5], 372), Jannaeus had once been pelted, while he officiated at the altar at the Feast of Tabernacles, with the citrons which the people carried by a custom of the feast. When he arrived at Jerusalem after the disaster in Gaulanitis, the people rose in rebellion. After some two years' fighting, in which Jannaeus used Gentile mercenaries, he was in extremities, ready to retire into private life under certain conditions. But the insurgent Jews would now be satisfied with nothing less than his death, and they called in Demetrius III Eukairos, one of the Seleucid princes fighting over the remains of the Seleucid kingdom, with his base at Damascus (*c.* 88 B.C.). The forces of Demetrius and the Jewish forces combined inflicted upon Jannaeus a defeat which might have been decisive, had not a large number of Jews feared the consequences of an alliance with the great-great-great nephew of Antiochus Epiphanes and changed sides. From now the fortunes of Jannaeus mended. In the end he completely beat down the Jewish rebels under his feet, and celebrated his victory, Josephus says, by having 800 of them crucified in rows where he could watch their dying agonies from the terrace of his palace in Jerusalem while he caroused with the women of his harem. The civil war had lasted some six years.

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[1] *The Testament of Levi*, VIII, 14. R. H. Charles (*Apocrypha and Pseudepigrapha of the New Testament*, II, p. 309) affirms that the 'new name' refers to an innovation in the style of the Hasmonaean High Priest, by which he was called officially 'Priest of the Most High God'—the title given to Melchizedek in Genesis. This is possible, but the documentary evidence is not such as to make it more than an ingenious conjecture.

[2] *Testament of Reuben* vi, 10.

Meantime the power of the Nabataean Aretas III (Harethath) had been expanding, and about 85 B.C. reached Damascus. Aretas invaded Palestine and defeated Jannaeus at Adida in Judaea. But he did not intend to annex Palestine to his kingdom, and used his advantage only to extort various concessions before he retired. And the Nabataean power did not prevent Jannaeus in the last years of his life from making fresh conquests in Transjordania. A number of Greek towns, Pella, Dium, Gerasa, Gaulana, Seleuceia, Gamala, were taken by the Jews. Jannaeus was besieging a fortress called Ragaba in Gerasene territory when he succumbed to an illness brought on by drunkenness; although he had suffered from it for the last three years, it had not deterred him from actively prosecuting war (76 B.C.).

Over the Greek culture which had been rooted in Coele-Syria through the Greek and hellenized cities the conquests of a barbarian like Jannaeus passed as a devastating storm. Once populous districts went back to wilderness: brigandage flourished. Amongst the cities of the coast Ascalon alone still stood unsubdued. But only thirteen years separated the death of Jannaeus from the coming of Pompey. The first nine years of those thirteen (76–67 B.C.) were a pause after the Hasmonaean kingdom had attained its culmination before the ruin began. They were years in which the head of the State was a woman, Queen Salome Alexandra, the widow of Jannaeus. This was an odd phenomenon in Israel, the only precedent in its ancient history being the sinister one of Athaliah. Perhaps it was another feature in the Jewish State showing assimilation to the Hellenistic dynasties, in which women played so powerful a part, especially in the neighbouring Egypt with its series of Arsinoes, Berenices, and Cleopatras.

The reign of Salome was marked by a complete reversal of policy. The queen threw herself upon the side of the Pharisees: they became the power behind the throne. According to the account given by Josephus in the *Wars* (I [5, 2], 111), this was due to the superstitious dread which the queen felt for the party of zealous religion; according to the account in the *Antiquities* (XIII [15, 5], 400 *sqq.*) it was due to the statecraft of Jannaeus, who on his death-bed advised Salome to ally herself with the Pharisees. In any case, the Pharisees afterwards remembered those years as a period of almost millennial bliss. In a book of the Talmud it is stated that under the rule of Salome 'the grains of wheat were as large as kidneys, the grains of barley like olive-kernels, and the beans like gold denarii': it rained at night only, but then in sufficient quantity. As a matter of fact, the queen must have had to face grave troubles, both external and internal. Externally, the conquests of Tigranes, pushed ever farther towards Palestine, seemed, till near the end of Salome's reign, about to engulf the Jewish kingdom (p. 357). Internally, the struggle between the parties went on. By the fact that the head of the State was a woman, the kingship and the High-Priesthood were inevitably separated. The elder of the queen's two sons, Hyrcanus, a man, we are given to understand, of feeble mind, held the office of High Priest, and, like his mother, was directed by the Pharisees. The younger son, Aristobulus, inherited his father's fierce spirit, and continued to lead the priestly aristocracy who made the strength of the Sadducaean party. The dominant Pharisees remembered the atrocities inflicted upon them by Jannaeus and sought now to take their revenge upon the Sadducees, who had been his supporters and counsellors. Salome found that this policy brought her vehement protests from her younger son. Evidently, if Salome kept things together during her lifetime, the State was seething with unrest.

When Salome died in 67 B.C., the fatal rupture inevitably came. Open war broke out between the two brothers. Aristobulus soon had the better of it, and Hyrcanus agreed to his younger brother becoming both High Priest and King. But already a man had come upon the scene whose figure was to dominate during the next twenty-four years, and whose house was to hold the chief place in Palestine for the hundred years following. This was an Idumaean, Antipater, belonging to one of those Edomite families who had been forcibly Judaized by John Hyrcanus some half a century before. Antipater's father had been *strategos* of Idumaea for Jannaeus. Now, ambitious, supple and scheming, Antipater set about his long task of working his way to the supreme place. His plan was to use Hyrcanus, stand behind that feeble personage, and move him as a piece in the contest with Aristobulus. He had extended his connections as far as the Nabataean court; his wife Cypros belonged to an important family in that country[1]; now he induced Aretas III to intervene on behalf of Hyrcanus. The Nabataean forces beat those of Aristobulus; a great part of the people went over to the side of Hyrcanus, and Aristobulus was soon besieged with his adherents, largely priests, on the Temple hill.

Then the approach of a greater power made a wholly new situation. In 65 the Roman commander Scaurus, Pompey's lieutenant, coming south after the submission of Tigranes, reached Damascus (p. 381). The Nabataeans, at a word from the Romans, raised the siege of Jerusalem and went home. For each of the two Jewish factions everything now hung upon getting the support of Rome. In 63 Pompey himself was in Damascus, and he received appeals not only from the two warring brothers, but from representatives of the Jewish people who begged him to abolish the Hasmonaean kingship and make the head of the State a High Priest like those of old. Pompey moved on Jerusalem, and

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[1] A. Schlatter (*Gesch. Israels*, ed. 3, p. 428, n. 205) affirms that the family was a *Jewish* one settled in Arabia. He refers to Josephus, *Wars*, I [8, 9], 181; but all that Josephus says in that passage is that Cypros was τῶν ἐπισήμων ἐξ Ἀραβίας. Nevertheless probability is in favour of Schlatter's hypothesis; it is unlikely that Antipater would have married a pagan. In *Antiquities*, XIV [7, 3], 121 Josephus seems to make the family Idumaean (παρ' ὧν), if the text is sound.

Aristobulus, after a vain attempt at resistance, himself surrendered. But his party, led by the priestly aristocracy, still held the strong Temple hill against the Romans, and it took Pompey three months to storm it. It was then he insisted, like Antiochus Epiphanes, on entering the Holy of Holies—an outrage to Jewish feeling—though, unlike Antiochus, Pompey left the Temple treasure untouched. See above, p. 382 *sq.*

This was the end of the Hasmonaean kingdom. King Aristobulus was carried off to Rome, to walk in Pompey's triumph. Thousands of other Jews were sent to slavery in the West. In Palestine the kingdom was broken up, and the Greek cities liberated from subjection to the Jewish ruler. All the seaboard was lost to the Jews. But some of the acquisitions of the Hasmonaeans remained. Idumaea, where the population had been compelled to embrace Judaism, continued to be in political connection with Judaea; so too Galilee and Peraea, a stretch of country beyond Jordan, between Pella and the Dead Sea, where the population was now predominantly Jewish. The Samaritan country, as a whole, was detached, but the frontier of Judaea seems to have remained some way beyond the old frontier of a hundred years before. Hyrcanus was left by Pompey the nominal ruler of this reduced realm, with the title of *ethnarches*, no longer of King, and, of course, the office of High Priest. Like all the native powers, the Jewish *ethnarches* was to be under the control of the Roman proconsul of Syria. Partisans of Aristobulus were still at large under the leadership of his son, Alexander, and Aristobulus himself succeeded for a moment in returning to Palestine. The Romans had in the eight years following 63 to quell three attempts of these bands to recover the country. In 57 the proconsul Gabinius divided the Jewish country into five districts, each with a *synhedrion* of its own, districts whose capitals were Jerusalem, Gazara, Amathus, Jericho and Sepphoris. The measure was presumably meant to weaken the central power in Jerusalem. Although Jerusalem soon recovered the predominance, there are signs that these provincial councils retained a certain autonomy in later times[1].

The real director of the Jewish State in these days was the Idumaean Antipater, and the leading principle of Antipater's policy was to secure the favour of the ruler of the Roman world. Since, in the years which followed 63, rival war-lords were contending for the supreme power, and the ruler of to-day might be the vanquished of to-morrow, it required all Antipater's address to steer his course. In 54 Crassus was proconsul of Syria and used his opportunity to rob the Temple of its treasure; we are told that he carried off two thousand talents in money and precious objects worth eight thousand more. When the civil war between Caesar and Pompey broke out, Antipater was of course on Pompey's side till Pompey's defeat, and then a no less zealous adherent of Caesar. Before Pharsalus, Caesar had liberated the former King Aristobulus and sent him to wrest Judaea from Hyrcanus; but by Antipater's good luck he was assassinated by the Pompeians on his way. In 47 Antipater himself commanded the Jewish contingent which formed part of Caesar's army in Egypt. By Caesar's grace the Jewish State now recovered some of what it had lost in 63; the return of Joppa to the Jews, by which Jerusalem's connection with the sea was restored, was of special importance. To the Jews of the Diaspora, also, the dictator showed marked favour: at his assassination the Roman Jews were prominent in the mobs which demonstrated grief around his tomb. The civil war after Caesar's death constituted a new problem for Antipater, and the late friend of Caesar naturally sided with Caesar's murderers, who were at first masters of Syria. One of the murderers, Cassius, was proconsul of Syria in 43, and Antipater made himself exceedingly serviceable in finding the money which Cassius required. He did not live to see Philippi, but was killed by poison that same year—the act of a personal rival in Jerusalem.

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[1] A. Schlatter, *op. cit.* p. 428 *sq.*

The power which Antipater had built up did not end with his premature death; he left four sons, of whom the two eldest, Phasael and Herod, had already taken a prominent part in affairs. Phasael had held command in Judaea under his father and Herod in Galilee. As governor of Galilee, Herod had come into collision with Jewish bands under a leader called Hezekiah. These bands might be regarded, either as warriors fighting for the nation and for God, like the bands of Judas Maccabaeus, or as brigands, such as the Zealots a hundred years later were in the eyes of Josephus. It was as brigands that young Herod regarded them, as indeed any ordered government was bound to do, and he suppressed them with a firm hand, killing Hezekiah. To the people of Judaea, who largely regarded Hezekiah and his bands in the other light, Herod's action appeared a crime, and he was summoned to Jerusalem to stand his trial before the Sanhedrin. He presented himself with an armed following and escaped condemnation. But the incident planted in him a profound hatred of the priestly aristocracy. Caesar at that moment was still ruler of the Roman world, and his cousin, Sextus Caesar, was governor of Syria. From him Herod obtained a military command which put considerable forces at his disposal. He now marched on Jerusalem with the purpose apparently of slaking his desire for vengeance in blood, but old Antipater induced him to hold his hand.

The sons of Antipater had hardly, with the help of Cassius, avenged their father's death on the murderer, when the anti-Caesarian cause went down at Philippi, and, in carrying on their father's policy, they had to make a rapid transition to the victorious side. In 41 Antony moved on Palestine through Asia Minor. The Jewish people, who wanted to be delivered altogether from the house of Antipater, saw their chance; they sent three several embassies to Antony on his way, to Bithynia, to Antioch and to Tyre, entreating him to suppress the family which had compromised itself so deeply by giving comfort to Cassius. Even so, Herod succeeded in winning Antony's favour: there was probably a congeniality of temperament between the pleasure-loving Roman soldier and the handsome full-blooded manful young Edomite. When Antony departed from the East at the end of 41, Phasael and Herod were left in power in Palestine with the title of tetrarchs.

The year 40 saw a surprising diversion. The progress of events in the Roman world was interrupted by an invasion of the one Eastern power which could be counted as Rome's rival. A Parthian army overran Syria, and with the Parthians came a surviving son of the Hasmonaean Aristobulus II, Mattathiah Antigonus, to win back his ancestral kingdom from the Edomite usurper. To the Jews the Parthians were heaven-sent deliverers, and Jerusalem threw open its gates. Phasael was killed; Herod fled to Masada, his fortress on the Dead Sea. Old Hyrcanus, who had been quietly going on all these years as High Priest, had his ears cut off, to disqualify him for the office, and was deported by the Parthians to Babylonia. His nephew established himself as King and High Priest in Jerusalem: the coins he issued show on one side the legend in Hebrew, 'Mattathiah the High Priest, the Commonwealth of the Jews,' and on the other side, in Greek, 'Of King Antigonus[1].''

In one way it was a piece of good fortune for Herod that the cause of his Hasmonaean rival had been identified with that of the Parthians: it secured to Herod the sure support of Rome. From Masada he succeeded somehow in making his way to Rome and there, in 40 B.C., he was declared by the Senate to be 'King of the Jews,' and, as such, he returned to Palestine to co-operate with the Roman forces whose task it was to clear out the Parthians. But

[1] Volume of Plates iv, 2, *i*.

even when the Parthians had been expelled, Jerusalem under Antigonus still held out desperately against the Edomite. It was not till 37 B.C. that it capitulated, first the lower city and finally the Temple Hill, to Antony's lieutenant in Syria, C. Sosius[1], and to King Herod. Antigonus was beheaded, the first vanquished king to undergo this form of death at the hands of Rome. For the next thirty-three years Palestine was to lie, without possibility of resistance, under the strong rule of the new king, an Edomite by race, a circumcised Jew by professed religion, and mainly a pagan by practice. Before the fall of Jerusalem Herod had sought to affiliate himself to the dispossessed royal family by marrying Mariamne, the daughter of Alexander the son of Aristobulus II and the grand-daughter, through her mother, of Hyrcanus II.

II. JEWISH PARTIES AND THE LAW

The sixty-six years which elapsed between the death of John Hyrcanus and the establishment of Herod as king in Jerusalem had been important years in the development of Judaism. We have already seen how under John Hyrcanus the party zealous for legal purity, which had been known as the party of the Chasīdim, came to be called 'Pharisees,' and how the Hasmonaean High Priest broke his traditional connection with that party and went over to the Sadducees (vol. VIII, p. 532). These two parties still divided the allegiance of the Jewish people when Herod came to the throne. We have no adequate documents to show us what Pharisaism was in the earlier generations, after the name had first come into use. Indeed for Pharisaism as a whole our documents leave important questions unsettled.

The state of the case is this. We have no single document which professedly emanates from the Pharisaic party, though there are certain documents, like the Psalms of Solomon in the last century B.C. and IV Esdras in the first century A.D., which are conjecturally taken from internal evidence by modern scholars to represent Pharisaism. Evidence of this kind is uncertain. There can be little doubt that modern scholars are right when they see in such works strong affinities to what other sources tell us of Pharisaic religion. But it must be remembered, in the first place, that any party like that of the Pharisees would exert an influence outside its own limits, and there must have been various shades of religion amongst the Jews, which showed greater or less affinity to Pharisaism without conforming altogether to the Pharisaic pattern; and, in the second place, that, even if we could be quite sure that the authors of works like the Psalms of Solomon and IV Esdras were Pharisees in the strict sense, the character of such writings, poetical and apocalyptic, might well allow only certain elements in their religion to appear. Secondly, we have the account of Pharisees and Sadducees given by Josephus; but in regard to that we have to remember that the Pharisaism and Sadduceism of the first century A.D., which Josephus knew by direct acquaintance, may well have differed considerably from the Pharisaism and Sadduceism of 100 B.C., and, further, that in his very summary account, Josephus was concerned to present Pharisaism and Sadduceism in a way congenial to his Greek readers, and therefore to some extent travestied them by assimilating them to Greek philosophic schools. Thirdly, we have the representation of Pharisaism in the New Testament. This is based on lost Aramaic documents contemporary with the Pharisaism it depicts, and is, so far, valuable evidence; yet here it has to be remembered that the unfavourable sides of Pharisaism are given special prominence, and some of the statements in our Greek Gospels are hard to reconcile with what we know otherwise of Palestinian Judaism—for instance, the statement of St Mark that 'the Pharisees, and all the Jews, except they wash their hands diligently, eat not, holding the tradition of the elders.'

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[1] A bronze coin has been found with the legend 'C. Sosius Imperator' and the figure of a trophy between a male and female Jewish captive. See Volume of Plates iv, 2, *j*.

Fourthly and lastly, we have in the Rabbinical literature a number of scattered allusions to Pharisees and controversies with Sadducees, and a mass of material which professes to record sayings and doings of prominent Rabbis from the second century B.C. onwards. If these latter are not expressly called Pharisees in the Rabbinical books, it is quite clear that their attitude to the Law corresponds with that ascribed by Josephus and the New Testament to the Pharisees, and some of the Rabbis cited (Shemaya, Abtalyon, Gamaliel) are called Pharisees by Josephus or the New Testament. If, therefore, we could be sure that all the doings and sayings ascribed by the Mishnah, or later parts of the Rabbinical literature, to Rabbis in the first century of the Christian era, and earlier, were authentic, we should have in this literature a wholly trustworthy source of information regarding the Pharisaism of the century before and the century after the Christian era. But here it has to be remembered that the literature in question embodies traditions which did not begin to be put in writing till about A.D. 200. Many of the sayings and doings recorded are no doubt authentic, but it is plain that confusions, inventions, embroideries have also come plentifully into the oral tradition; it is absurd to take, for instance, what the Rabbinical books tell us about the sayings and doings of Simon ben Shetach in the days of Alexander Jannaeus as if it were a written contemporary account. It is quite possible that the Rabbinical tradition eliminated altogether features which belonged to the Pharisaism of New Testament times; the charges, for instance, which Jesus brings against the Pharisees in Mark vii, in regard to Corban and duty to parents, do not apply to the Judaism of the Rabbinical books, which in this matter took a view agreeing rather with that of Jesus. In short, we are very ill furnished for tracing the history and drawing the picture of early Pharisaism.

According to a statement of Josephus (*Ant.* XIII [5, 9], 171), the existence of Pharisees as a sect began in the days of Jonathan the High Priest (161–143 B.C.), at least, he says somewhat vaguely that the three sects of Pharisees, Sadducees and Essenes were in existence 'about this time.' The first events with which the Pharisees are connected are those of their quarrel with John Hyrcanus (135–104). The story of the quarrel appears both in Josephus and in the Talmud, though in the latter Alexander Jannaeus takes the place of Hyrcanus. It may well have been a real event transfigured in popular legend. As Josephus tells the story, Hyrcanus, who has up to this time been a disciple of the Pharisees, asks them in an assembly to indicate any illegality they might detect in his conduct, and one Pharisee replies that he ought to lay down the High-Priesthood, because his mother had been carried into slavery during the tribulation under Antiochus Epiphanes. Hyrcanus declares that the allegation is false and demands the judgment of the Pharisees as a body, what penalty the calumniator ought to suffer. They reply 'Scourging and imprisonment.' This infuriates Hyrcanus, because he had counted on their pronouncing a sentence of death, and he thenceforth ranges himself with the Sadducees. Whatever historical truth is behind the story, the ambitions of the Hasmonaean house once in power could hardly have failed to make it change over.

We can trace in outline the varying relations of the Pharisaic party to the powers that be, from its origin to the destruction of Jerusalem. What is obscure is the inner character of Pharisaism throughout this period. Its name, *Perūshīm* in Hebrew, *P'rīshayyā* in Aramaic, means 'Separated,' and it is generally believed that it was intended to indicate the separation of the Pharisees from the multitude careless of contracting religious impurity[1]. Josephus and the Gospels agree further that a leading characteristic of the Pharisees was that they supplemented the written Law by a mass of oral tradition handed down by Rabbi to Rabbi from 'the elders.' The emergence of Pharisaism as a sect thus corresponds with the rise to predominant importance amongst the Jewish people of the class of expert teachers of the Law.

In the old Israel before the Exile the declaration of what accorded with religious law had been a function of the priests. When, after Nehemiah, the Pentateuch was circulated as a law-book amongst the people generally, any one who had the leisure could devote himself to the study of it and make himself an expert in its prescriptions. An expert, again, could set up a school and pass on his doctrine to disciples. During the last two centuries before the Christian era, if not earlier, a definite class of legal experts had come to be developed with an authority quite distinct from that of the priests. There were priests amongst them, but a large number were not of the priestly tribe. Apart from the schools in which they instructed disciples, the experts communicated their teaching to the people at large mainly in the synagogues. Their teaching was of two kinds. One kind was concerned with the determination of what the law required in all details of conduct; in the later Rabbinical books it is distinguished as Halakhah, 'Walking,' and was no doubt the kind which made the chief part of instruction in their schools; the other kind was concerned with the Old Testament stories, filling up the gaps by imaginative additions and inferences, or doctrine about the unseen world; the Rabbinical books call it Haggadah, 'Showing forth'; this kind no doubt made the chief part of the instruction given in their synagogue discourses. One necessary part of the synagogue service in those days was actual translation, since the Hebrew in which the Old Testament was written was now not understood except by the learned, though the language of Palestine at that time, Aramaic, was a sister-language, and in Josephus and the New Testament is called 'Hebrew,' in distinction from Greek. The oral translation of the Old Testament from Hebrew into Aramaic in the synagogues gave an occasion for incorporating comments derived from the tradition of the scribes. Such Aramaic renderings with elaborations constitute the Targums, 'Interpretations,' which have come down to us in a form belonging to later centuries; the word is from the same Semitic root as the familiar 'dragoman,' interpreter (see vol. II, p. 335).

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[1] The view revived by R. Leszynsky, *Die Sadduzäer*, which connects the name with *pārash* in the sense 'to explain,' so that it would mean 'expositors,' has not been seriously regarded by Semitic scholars: the form of the word is unquestionably passive.

The Synagogue was the special sphere of the scriptural expert, as the Temple was the special sphere of the priests. It was not a merely accidental coincidence that the same period which saw the emergence of the class of experts saw the development of the Synagogue as a new centre of Jewish religion. This was an inevitable development when a great mass of the Jewish people were living too far from Jerusalem for resort to the Temple. But, when once developed, the local synagogue supplied religious needs which the Temple did not. Spectacular acts of religious worship—sacrifice and trumpet-blowing and the choral singing of a great multitude—for these the Temple was still the place; but for instruction in religious doctrine, for becoming acquainted with the scriptural narratives, for the prayer and praise and meditation of local groups, even for the rudimentary instruction of children, Jews now looked to the Synagogue. It is true that the forms of Synagogue-worship in some respects copied the forms of Temple-worship. In Jerusalem itself, synagogues sprang up in proximity to the Temple. It was the scriptural expert, not the priest, who now ruled the mind of the people, and it was the Synagogue which for the great mass furnished the regular means for communal worship. Thus when the Temple was destroyed and the priests as a class disappeared, Judaism could still go on, not essentially weakened, as a religion based upon the expert and the Synagogue.

It is curious that we do not know what term in Hebrew or Aramaic the Palestinian Jews used in the last century before the Christian era and in the first century succeeding it to describe the scriptural expert. In the New Testament they are sometimes called *nomikoi*, 'lawyers,' most commonly *grammateis*, 'scribes,' but the corresponding Hebrew word *sōpherim* was used, when the Rabbinical tradition came to be put in writing, to describe, not contemporary teachers, but wise men of the period between Ezra and the High Priest Simon 'the Righteous[1].' Contemporary experts in the Rabbinical books are commonly called *chakāmim*,

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[1] It is uncertain whether Simon I is intended, High Priest round about 300 B.C., to whom Josephus attaches the surname 'the Righteous' (*Ant.* XII [2, 5], 43), or Simon II, High Priest round about 200 B.C., praised by Ben-Sira (Ecclesiasticus L). Schürer took the former view, Bousset the latter. G. F. Moore holds that Simon I never existed, and that Josephus simply misplaced the High Priest of 200.

'wise men.' It is quite possible, however, that this usage does not go back to the time before the fall of Jerusalem: the 'scribes' with whom Jesus had to deal may in their own day have been called *sōpherim*. The term 'Rabbi,' commonly used to-day, is properly a vocative, 'My Master': as early as New Testament times it was regularly used in addressing a teacher of the Law, but it was not yet used as a term of description in speaking about him.

Of necessity from the first day when there had been a written Law at all there had been also a mass of traditional unwritten law regulating details of the cultus and the conduct of men in the various affairs of life. Much of this unwritten law might appear as but the application to particular cases of the general injunctions contained in the written Law, and thus possess sanctity and divine authority. Since, however, there were considerable varieties of practice and on many points doubt and disagreement, the 'scribes' had here a vast field of activity open to them, discussing and determining in their schools, or 'houses of study,' what the right legal course in all imaginable circumstances was. A difference could not fail to be recognized between the written Law and the 'tradition of the elders,' as the unwritten law came to be called, and it was felt that the authority of a Divine commandment could attach to the unwritten tradition only in so far as that too could be traced to an inspired source.

In Rabbinical literature the idea is found that a certain part of the unwritten tradition had been communicated orally by Moses at Sinai and handed down through subsequent generations side by side with the written Law; other ordinances were ascribed to the *sōpherim*, that is, as has just been explained, the teachers between Ezra and Simon the Righteous. It may, however, be questioned[1] whether these ideas came up before the latter part of the first century A.D., and the main way in which authority could be secured for the tradition was to represent each detail of it as a logical inference from something in the written Law. To this end a fantastic ingenuity was developed in the schools of the scribes, and one Rabbinical book (*Chagigah* i, 8) frankly compares some of the rules deduced in this way to 'mountains hanging by a hair.' On this assumption the scribes did not add anything to the written Law; they only drew out what was implied in it. But the decision of a teacher in effect amplified the Law, as the decision of a judge does the Common Law of England, and became in its turn a *datum* for further inferences. Naturally there was considerable disagreement between the decisions of different teachers, but those given by a teacher of especial personal authority tended to become general, so that in time a great body of traditional Law, consistent in its main outline, came into existence, handed on in the name of eminent teachers in the past. Just as the scribe in theory added nothing to the written Law, so in theory he added nothing of his own to the oral tradition: he only held fast in his memory what he had learnt at the feet of his teacher, and handed it on, applying its principles to all the new problems of practice which might arise.

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[1] W. Bousset, *Die Religion des Judentums im späthellenistischen Zeitalter*, 3rd ed. (ed. Gressmann), p. 156 *sq*.

The current oral tradition committed to writing, as has been said, about A.D. 200 constituted what is called the Mishnah, 'Repetition.' The Talmud consists of the Mishnah embedded in a mass of later commentary on the Mishnah. The Mishnah is composed of legal and religious teaching attributed by name to a large number of eminent teachers in the past, and a good part of its substance must really go back to the Christian era or the last two centuries B.C. From this, then, and from the rest of Rabbinical literature which claims to embody tradition regarding the great teachers of the past, we can form some notion of what the 'tradition of the elders' was in New Testament times. But, as was pointed out in connection with Pharisaism, the tradition as written down may have been in many ways different from the oral tradition of two hundred years earlier. The work of adjustment, of elimination, of schematization, which has gone on in the interval may to some extent falsify the picture. That the curious fantastic casuistry which Christendom has found so unpleasing in the Rabbinic books marked the teaching of the scribes as early as the time of Jesus is proved by the Gospel documents, but it may not, on the one hand, have reached the proportions it had when the teaching was written down, and it may, on the other, have contained at the earlier period elements, like the doctrine of Corban overriding duty to parents, which the better thought of Judaism weeded out.

But if it was the characteristic of the Pharisees in New Testament times that they regarded the oral tradition of the schools as having an authority parallel to, and in practice sometimes even overriding, that of the written Law, Pharisaism in that sense cannot have existed till the body of oral tradition was already there as something formulated. The scribes must have been doing their work for several generations at least before there could be any tradition for Pharisees to exalt. And how far back can we suppose the existence of a tradition like that embodied in the Mishnah? It is to be noted that, in attaching the tradition to eminent names in the past, the Mishnah has hardly anything to say of any teacher older than Hillel, who lived perhaps till about A.D. 20. The oldest authority of all of whom it speaks is 'Simon the Righteous,' but of all teachers before Hillel it has little to relate except a few religious apophthegms and a few legendary anecdotes. And if the tradition, as we know it, was only in the early phase of its formation in the days of Herod, how are we to think of the Pharisees in the days of John Hyrcanus?

If zeal for the Law marked the Chasīdim in the time of the Maccabaean revolt, and zeal for the Law (extended now to include the tradition) marked the Pharisees in the first century A.D., it is certain that zeal for the Law of some kind must have marked the Pharisees of the intervening period. Zeal for the Law indeed might be of different kinds. In a book like that of Ben-Sira (Ecclesiasticus), belonging to the time just before the Maccabaean revolt, we have an earnest zeal for the Law, as we have in Psalm cxix. But it may be questioned whether Ben-Sira thought of the Law as a complicated system of ritual practices and prohibitions in the manner of a Rabbi; what he insists upon is a number of broad moral principles of conduct; honesty, modesty, benevolence, patriarchal severity, self-control, and, of course, a sober fear of God. In this book at any rate, his interests are not those of the Mishnah. And if, at the time of the Maccabaean revolt, the system of casuistry embodying the 'tradition of the elders' had hardly begun to be developed, the zeal for the Law which marked the Chasīdim must have been something very different from the careful observance of a number of detailed prescriptions, even if it included the passionate observation of certain prohibitions, such as that which forbad the eating of swine's flesh. And if when the name of 'Pharisee' first came into use, it was applied to the same sort of people who had before been called Chasīdim, the zeal for the Law which marked those Pharisees of the second century B.C. can hardly have been predominantly a regard for the 'tradition of the elders.'

That the Pharisees formed a more or less organized body with a definite roll of members seems proved by the fact that Josephus gives their numbers as 6000. From Rabbinical literature it would seem that, while the people generally called them 'Pharisees,' the name given within the sect itself to members was *Chabērim*, 'Associates.' In this way the Pharisees would be one example of a tendency characterizing the Judaism of the last century B.C.—the tendency to form voluntary religious communities within the Jewish people. When the disciples of John the Baptist, and, later on, the disciples of Jesus, came to form particular communities within Palestinian Judaism, that will not have seemed something altogether novel to other Jews. The original Nazarene community in Judaea must have appeared only to be another sect of Jews, whose peculiar belief was that Jesus was the Messiah, just as the people of the 'New Covenant,' of whom we shall presently speak, were a sect whose peculiar belief was that the 'Star' had been commissioned by God to lay down the Law anew.

A theory has been put forward[1] that the Pharisees were originally a section of the priests who, stricken at heart for the shameful apostasy of a large part of the priesthood in the days of Jason and Menelaus (vol. VIII, p. 502 *sq.*), reinforced by fresh prescripts the rules of purity incumbent upon priests during their period of service according to the Law. The next step, it is supposed, was that the Pharisees began to observe these rules in their ordinary life at home, and the further development was that earnest men, not priests, regarding a life so lived as one of peculiar holiness, adopted them, so that Pharisaism spread generally amongst the people outside the priestly order. Such a theory is highly speculative, though with our *data* so scanty, it is impossible to have any theory about the beginnings of Pharisaism which is not speculative. In any case, at the time of the Christian era the written Law was supplemented in the schools of the 'scribes' by a mass of oral tradition which claimed to be deduced from the written Law on the authority of teachers in the past, and the Pharisees were a section of the people who attempted to carry out such rules in practice. As doing this, they regarded themselves, and were generally regarded by the people, as the only true observers of the Law. Being drawn themselves from the people, not, like the priests, from a particular privileged class, they exerted upon the people at large an influence much greater than the priests did; they came to rule the general conscience in a peculiar way.

Thus the class of 'scribes' and the sect of Pharisees were not identical, though the persons who composed the two were to some extent the same. Probably the large majority of scribes were also Pharisees, but there must have been large numbers of Pharisees who were not scribes, and there were some scribes who were not Pharisees. The latter must have given interpretations of the written Law different from those in the 'tradition of the elders' which the Pharisees took as authoritative.

There were Sadducee scribes. If there are difficulties about Pharisaism, controversial questions are also connected with the Sadducees. We have seen that they were a section of the people recruited from, or taking its tone from, the priestly aristocracy. The view which connects the name Sadducee with Zadok, the High Priest of David's time (first put forward by Geiger in the last century), is the favourite one to-day[1]. But it would be a mistake to suppose that there were no men of earnest religion amongst the Sadducees; only since Sadduceism came to an end, when the priesthood lost its functions after the destruction of the Temple, whereas a large part of Pharisaism was carried on in Rabbinic Judaism, we are even worse off for means of knowing the inner character of Sadduceism at its best than we are for means of knowing about Pharisaism. We are told by Josephus that one salient characteristic of the Sadducees was that they rejected the authority of the 'tradition of the elders' which the Pharisees so reverenced, and declared that the written Law alone was authoritative. In that way they seem to stand on ground like that of Jesus in Mark vii. But no doubt this restriction in regard to the written Law might represent either an earnest emphasis upon the great moral principles embodied in the Law, or a cutting down of religious obligation to the minimum, as we might imagine a worldly churchman opposed to Methodist 'enthusiasm' in the days of Wesley saying that the plain rules of the Prayer Book were enough for *him*. And even if the Sadducees denied the authority of the oral teaching followed by the Pharisees, that does not mean that the Sadducees did not also in practice follow traditional rules. Where the Mishnah professes to state the controversies carried on in former times the Sadducees do not appear as having no traditional rules of ritual purity, but as having different rules from the Rabbinical ones. Josephus tells us that in the infliction of legal penalties the Sadducees were severer than the Pharisees. It seems probable that the body of rules which the Sadducees and their scribes upheld as authoritative were fewer and simpler than those in the Pharisaic tradition. A common view to-day is that the type of religion which we find in Ben-Sira represents what Sadduceism was at its best. If so, such Sadducees stood for conservatism, maintaining a kind of religion which had seemed adequate before the tribulation under Antiochus, but which, after the fiery trial and the death of martyrs, no longer met the exigence of ardent spirits[2]. Yet how impressively the priesthood could hold under trial to the obligations it did recognize was seen when Pompey stormed the Temple and the priests allowed themselves to be cut down without deflecting the course of the ritual duties upon which they were engaged.

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[1] It is the view of Schlatter, *op. cit.* p. 138.

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[1] It is however rejected by Eduard Meyer (*Ursprung und Anfänge des Christentums*, II, p. 291), who returns to the Rabbinic view that the Sadducees were called after a second-century Sadduk.

[2] In the Rabbinical books a sect of Boëthosaeans is closely associated with the Sadducees, possibly as a division of the Sadducees, whose name is said to

The tradition for which Pharisaism stood consisted, as has been pointed out, of Halakhah and Haggadah, rules of conduct and doctrines about the facts of the past or about the unseen world. Any valuation of Pharisaism must result from the value we assign to each of these two elements. In regard to rules of conduct Pharisaism has incurred the censure of Christendom on two main grounds, that it gave ridiculous importance to a mass of petty rules, by which the great principles of good conduct are stifled—whether it is lawful to eat an egg laid by a hen on the Sabbath, and so on—and that it provided casuistical means of evading duties laid down in the written Law, such as an oath (Corban) which could exempt a man from duty to his parents. In regard to the first charge, it has to be considered that the Pharisaic concern for details of conduct which seem to most men to-day indifferent follows logically from the belief that the Law had been dictated in its every syllable by God for Israel to obey. If the Sabbath Law really was a command of God's, problems such as the egg laid on the Sabbath were presented in actual life and had to be settled one way or the other. Jesus blamed the Pharisees for not attaching more importance to 'judgment and mercy and faith,' but he never blamed them for carefully tithing mint, anise, and cummin—'these things ought ye to have done.' With regard to the second charge, there can be little doubt that the casuistry embodied in the 'tradition of the elders' was used sometimes to help men to evade obligations which were irksome: that is a danger besetting any system of casuistry. But it has to be remembered that if the oral tradition tended to weaken the injunctions of the written Law where they were just, but onerous, it also served to make the injunctions of the written Law elastic where they were over-rigid or cruel. The law, for instance, which laid it down that a betrothed woman taken in adultery should be stoned (Deuteronomy xxii. 23) was mitigated by the oral tradition's framing such rules of evidence for condemnation as to make condemnation practically impossible. The law, again, which cancelled all debts every seventh year bore in practice hardly upon the poor who wanted to borrow: the device of the *prosbol* (Greek, *prosbolē*, 'addition') by

be taken from that of their founder, a Boëthus placed in the second century B.C. Like the Sadducees they are said to have denied the resurrection and a future life.

which it was circumvented, a device ascribed to the inventiveness of Hillel, was really a boon to the poor. The work of adapting the written Law to the various circumstances of life and to more mature moral feeling was one that had to be done, and the oral tradition served to some extent a necessary and beneficent purpose.

When we turn to the Haggadic element in Pharisaism, we find that here the ground upon which it stood as against Sadduceism was approved by Christianity, indeed was built upon by Christianity in its own system of belief. In the books of the Old Testament earlier than Daniel there is little, if any, trace of a belief in the possibility of a happy existence beyond death; even more than amongst the Greeks interest is limited by the horizon of the visible world: Yahweh is indeed conceived to dwell in a heavenly palace with a host of attendant angels, but the angelic orders are vaguely and generally imagined; the supernatural beings, who occasionally in the old narratives intervene in the affairs of men, as Yahweh's agents, have no individual names or characteristics. If for the human individual there is any kind of existence beyond the grave, it is a poor and shadowy one. The book of Ben-Sira at the beginning of the second century B.C. still has such an outlook, and if that was the general outlook of pious Jews before the Maccabaean revolt, the Sadducees in this respect were simply old-fashioned. In the last two centuries before the Christian era a new set of conceptions became widespread amongst the Jewish people. For us their emergence is represented by the production of a new type of religious literature—the Apocalyptic.

III. THE APOCALYPSES AND ESCHATOLOGY

One of the earliest documents of Apocalyptic literature is the book of Daniel, which is discussed in the previous volume (vol. VIII, pp. 510 *sqq.*). The Hebrew or Aramaic originals of all the other documents have perished: we know them only through translations into Greek, or translations from the Greek into Latin, Syriac, Ethiopic, which circulated amongst Christians when the Synagogue had thrown all this literature aside. All these books professed to record revelations given to some person known through Scripture as a figure in the legendary past—Enoch, Methuselah, Noah, Abraham—or one of the great prophets, Elijah or Isaiah, or to the ancient scribe, Ezra. This literature offered to the Jews of the time two things which the older sacred books did not give them. One was descriptions of the unseen world, the palace of God in heaven, the places in which the souls of the righteous abode after death, the places of punishment for the souls of the wicked. Angels were now classified, good and bad, and a large number received individual names, Michael, Gabriel, Raphael. There was thus, for those Jews nourished on Apocalyptic literature, not a mere blank darkness beyond death, as apparently there was for Ben-Sira, or a shadowy world in which there was no distinction between righteous and wicked, but a world imaginatively mapped out in which each man reaped the recompense of his deeds here. The other thing which the Apocalypses gave was a much clearer idea of the world-process as a whole. Whereas the older prophets had been content with the picture of a national restoration in the Holy Land, the Apocalyptists saw the history of mankind as a succession of ages, leading up to great cosmic consummation. The men who wrote them felt intensely the evils of the present age—the people of Yahweh subject to Gentiles, or subject to profane and wicked rulers like Jannaeus and Herod, or in its inner life full of uncleanness and iniquity. The blackness of the present contrasted with the blaze of glory which would follow when the scheme of time was fulfilled, and God appeared to judge evil and set up a kingdom of righteousness. And the Apocalyptist was usually consoled by receiving assurance that the Great Day was at hand.

Between one writing and another there were great differences of detail: the schemes of ages differed; sometimes God in His own person appears to overthrow evil and establish His kingdom; sometimes the figure of an ideal future king is introduced, who will be God's agent. In regard to this Messiah again very different conceptions are found. In the book called the *Psalms of Solomon*[1], written about the middle of the last century B.C., the future king, 'the Son of David,' is a merely human king, though ideally righteous and powerful, who will reign in Jerusalem; in the 'Parables' of *Enoch* (XXXVII–LXXI), assigned to the earlier half of the last century B.C.[2], there already exists in heaven a Being called a 'Son of Man,' who even now is mysteriously manifested to righteous souls and who will be God's great agent in the final consummation. Or again, in regard to the life after death, some documents (*Enoch* XCI–CIV) seem to regard the spiritual existence of the disembodied person as sufficient, each man in this state reaping happiness or misery, according as he has sown on earth; other documents, from Daniel onwards, affirm a future resurrection of the body, before the transformation of the earth into its final state of glory.

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[1] The ascription of the Psalms to Solomon comes only from the copyist who put the headings to them. The Psalms do not themselves claim to be by Solomon, and they are not thus, properly speaking, pseudonymous.

[2] By Charles, *op. cit.* II, p. 171. M.-J. Lagrange (*Le Messianisme chez les Juifs*) pp. 89 *sqq.*) regards them as much later and influenced by Christianity.

There must have been an eager demand for such literature among the Jews after the Maccabaean struggle. How far the Pharisees coincided with the people who produced and propagated the Apocalypses which we have must remain obscure. The Rabbis of later centuries, who largely carried on the Pharisaic tradition, did not like Apocalypses, and it is only because Christians were interested in the Apocalypses written by Jews of earlier generations that those which we have were preserved. At the same time some of the beliefs which distinguished the Apocalyptic literature from the older Hebrew religion were still held fast by the later Rabbis. It seems likely, then, that the people who produced the Apocalypses were either themselves a section of the Pharisees, or that a section of the Pharisees was in close sympathy with them. It was a characteristic of the Sadducees that they would have none of these visionary explorations of a world beyond the horizon of this; doctrines of angels and spirits and a resurrection they definitely declared to be vain. And if those who gave their tone to the sect of the Sadducees had mostly the good things of this life in abundance, it is understandable that they should be little in sympathy with the other-worldly enthusiasm of those to whom the present life was hard and evil.

It was, as has been indicated, probably the experience of martyrdom in the great tribulation under Antiochus Epiphanes which had created the receptivity for belief in a life beyond death and a world to come amongst the 'Godly,' and among the Pharisees their successors: the old doctrine of faithfulness reaping a sure reward from God could no longer be squared with the visible facts of this world. But when once the need was there, its satisfaction probably did not come from wholly new conceptions arising in the Jewish soul: almost certainly the beliefs new amongst the Jews were shaped by suggestion from Persia. Centuries before there is any trace amongst the Jews of a belief in the blissful existence of the righteous and a miserable existence of the wicked beyond death and in a future resurrection, such beliefs had been rife amongst the Persian Zoroastrians (see vol. IV, p. 208). As early at any rate as the fourth century B.C.—as is proved by a quotation from Theopompus[1]—Zoroastrianism had mapped out the course of time into a sequence of ages, numerically determined, leading up to a kingdom of God in a world transformed. It is, of course, a very obscure question how far the Persian kings who ruled over the Jews before Alexander were of this faith, and a still more obscure question what the Zoroastrianism which existed under the house of Arsaces was like; but it is certain that Zoroastrianism was there in some form, and that its special ideas influenced the minds of non-Persian peoples. In the centuries round the Christian era, below the layer of Greek culture seen in the upper class throughout the cities of Nearer Asia and Egypt, a strange ferment and mingling of ideas belonging to different popular traditions was going on—Babylonian, Anatolian, Aramaean, primitive Iranian, Magian, Zoroastrian—a process which we have no data for tracing, though types of religion emerging here and there, for which we have fragmentary documents, imply such a process behind them. Central countries like North Syria or Babylonia, with their mixed populations, especially would be regions in which these different traditions would meet and coalesce. In Babylonia there was a large Jewish population, which could hardly fail to assimilate anything congenial in the environment. Here, then, it is likely that Zoroastrian ideas, certainly more congenial to the religion of Israel than those of any other Gentile religion, would infiltrate into Judaism. It is possible, too, that those are right who see in the Jewish Apocalyptic literature some elements derived, not from Zoroastrianism in its purer form, but from the old Babylonian mythology.

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[1] *F.G.H.* no. 115, frag. 65.

In one respect it may be regarded as certain that ideas which became current in the Judaism of the last two centuries B.C. were derived from Zoroastrianism—the development of the belief in evil spirits. In the Old Testament, except for one late passage (1 Chron. xxi. 1), the idea that personal spiritual forces, opposed to God, are at work in the world is wholly absent. A being called Satan (the 'Adversary') is indeed mentioned in Job and in Zechariah, but this being is an adversary of men, not of God; he is regarded as an agent of God, whose business it is to spy out human sins and defects and as public prosecutor bring them before God. But in Zoroastrianism the idea of an Evil Power opposing the Good Power, with a host of evil spirits subordinate to him, had long been prevalent. Jewish monotheism could never allow to any Evil Power the relative independence which Zoroastrian dualism conceded to Ahriman, but Judaism went a long way during these centuries in making Satan an Evil Power, who, by God's permission, opposed good in the world during the present age, and in seeing human disease and sin as something caused by an army of evil spirits under the one great Prince of darkness. By the time of the Christian era the view was general amongst the Jewish people, as the Gospels show. The most usual name given to the chief of the evil spirits was Satan, translated in Greek by the word *Diabolos*, 'Slanderer,' but other names were current as well—Beelzebul, Beliar, Sammael, Mastema, the last name (derived from the misunderstanding of Hosea ix. 7 *sq.*) being the one used in the *Book of Jubilees*. If there were any doubt that the belief in personal forces of evil at work in the world came to be a part of the Jews' outlook in consequence of their contact with Persians, such doubt should be dissipated by the fact that the name of the evil spirit in Tobit, Asmodeus, is actually the Aeshma Daeva of the Avesta.

The ardent beliefs in a survival of the human person beyond death, in another world of rewards and penalties, in a direction of the whole time-process to a future kingdom of God co-extensive with mankind, thus emerge in Jewish Apocalyptic literature, clad in a vesture of imaginations largely fanciful and childish. Whether the beliefs themselves were vain imaginations, and this whole new development in Judaism merely another chapter of human delusion, or whether one can distinguish within the imaginative vesture an advance in the apprehension of spiritual truth, is a question upon which the historian, as such, is not competent to speak, any more than he can pronounce on the question how far, supposing an advance in the apprehension of spiritual truth took place, that was due to the operation of a personal Reality greater than man upon, or within, the human mind. For any religious valuation of Jewish Apocalypses those questions have, of course, to be answered: but while the historian has to take note of the development as a fact, its religious valuation lies outside his province. It does, however, lie within his province to indicate that, whatever the value of this new development in Judaism may be, it did actually make the ground upon which later on Christianity arose. These beliefs in the other world, in the direction of the time-process through a sequence of ages to a kingdom of God, Christianity took over from Pharisaic Judaism and built its own system upon them. If in regard to Halakhah Christianity agreed with the Sadducees against the Pharisees, rejecting the 'tradition of the elders,' in regard to Haggadah it was altogether on the side of the Pharisees against the Sadducees.

In days when the unseen world of spirits had come to interest the Jews in a new way, and when imagination was exercised in picturing its denizens, it was inevitable that some should seek to use for magical practices the knowledge which they believed they had of that world, procuring results desired in this world by the power of spirits, curing disease by incantations, exorcising the evil demons by which men were possessed. No doubt magical practices were looked on largely with suspicion or disapproval by the chief teachers of religion, but Jewish magic must have been fairly widely diffused in these days, and was resorted to by pagans for their purposes. Even the Roman proconsul of Cyprus, Sergius Paulus, is shown in Acts xiii. 7 keeping by his side a Jewish magician. The magical papyri found in Egypt show a strange mingling of Jewish and pagan elements. But apart from magical practices, occult speculations as to the constitution of the unseen world and the beginnings of the visible world were probably already in the last century B.C. pursued by some of the orthodox Pharisaic teachers. We know that this was the case in the middle of the first century A.D., when the chief teacher of the day, Johanan ben Zakkai, showed marked interest in them. Rabbinical literature distinguished two branches of occult lore—'In-the-beginning Matter,' that is speculation based on Genesis i about the beginning of the visible world, and 'Chariot Matter,' speculation regarding the nature of God and the heavenly spirits based on Ezekiel's vision of the chariot of Yahweh. This occult tradition of Palestinian Judaism in the centuries about the Christian era may have been one of the streams which ran later into the turbid sea of the medieval Kabbalah, but we cannot say how much the two had in common.

With regard to the character of Jewish piety generally at this period, an important question is how far there existed amongst the poor and humble a simple religion of Old Testament type beside the more elaborate legalistic religion of the Pharisees. That is connected with the difficult question what kind of person is meant by the phrase *Am ha-areṣ*, 'People of the Land.' Phrases of extreme contempt and reprobation regarding the *Am ha-areṣ* have been collected from the Rabbinical books and are sometimes understood to be directed against all simple ordinary Jews who did not know, or did not follow, the complicated mass of rules excogitated by the Pharisaic Rabbis: 'This multitude which knoweth not the law are accursed' (John vii. 49). On this view the term *Am ha-areṣ* would have been applied to people of sincere simple piety, the 'poor in spirit' whom Jesus pronounced blessed, and the attitude of the Rabbis to them would show Pharisaic pride. It has been pointed out that the *Am ha-areṣ* are spoken of as having their own religious gatherings[1]. On the other side it has been contended that the Rabbis fully recognized the piety of poor men unable to follow the Pharisaic way, if they observed some few rules of religion, and that the people denounced as *Am ha-areṣ* were Jews definitely irreligious and wantonly neglectful of their primary religious duties. In any case, the language used in some passages of the Talmud about the *Am ha-areṣ* does not show a pleasant spirit: it has, however, to be remembered that from other parts of the same literature sayings may be collected which praise the humble.

IV. THE NEW COVENANT OF DAMASCUS: THE ESSENES

Beside the main stream of Jewish life in the last two centuries B.C. there were probably a number of peculiar developments in groups which passed away and left no record. One such group re-emerged into the light through an old Hebrew manuscript discovered by the late Dr S. Schechter in 1910 in the Genizah Collection at Cairo and presented by him to the University Library in Cambridge[2]. According to the book, a band of Jews, profoundly concerned at the wickedness prevailing at Jerusalem, the violation of the Law and the pollution incurred by following the idolatry of the nations, migrated to Damascus, where under the direction of some one described as the Lawgiver or the Star they entered into what they called a 'New Covenant.' They seem after this to have formed an organized society which carried on a propaganda in Palestine and established local 'camps.' Within the society the special position of Priests and Levites was carefully recognized, though all members of the society were regarded, by the application of a text in Ezekiel, as spiritually 'sons of Zadok.' The society had a strongly puritan character, and their body of regulations, professing to apply the written Law, went in practice far beyond it. Not only was all fornication sternly condemned, but polygamy also: divorce was forbidden, and the marriage of uncle and niece, allowed by Rabbinic Law, was branded as incestuous. The impurity from which the society sought to be free was not moral only, but ritual as well. The Sabbath Law was elaborated to a greater strictness, and even the exception which the Gospels tell us that the Pharisees allowed, pulling an ox or an ass out of a pit on the Sabbath day, was banned. At the same time great stress was laid on kindliness in the relation of man and man, and the bearing of a grudge was particularly condemned. The expectation of the Messiah was cherished in the community; it looked forward to a glorious future succeeding the present days of wickedness. Unlike the Samaritans, the people of the New Covenant evidently attached a high value to the other books of the Old Testament beside the Pentateuch; unlike the Essenes, they maintained animal sacrifice; unlike the Sadducees, they had an outlook beyond the present world. Such was the community of whose very existence we should have had no knowledge but for the chance discovery of this old book.

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[1] Moritz Friedländer, *Die religiösen Bewegungen innerhalb des Judentums im Zeitalter Jesu*, pp. 80–82.

[2] On the vexed question of the character of this sect and the date of the original writing see the works cited in the Bibliography. Schechter and Charles described the sect as 'Zadokite' and placed the work at the end of the first century B.C.; the majority of German scholars have assigned it to the Maccabaean period; A. Büchler puts it in the eighth century A.D.

Another community off the main stream, of which we have some brief notices, is that of the Essenes. They are interesting as a curiosity in the Judaism of that time: the community faded away in the early centuries of the Christian era, and left no discoverable trace upon primitive Christianity or upon Rabbinic Judaism: neither the New Testament nor Rabbinic literature ever mentions them, and modern fancies which would connect John the Baptist or Jesus with the Essenes are generally regarded by scholars as irreconcilable with what little solid information we have about the community. The derivation and meaning of their name is quite uncertain. It is clear that their community was a closely organized one, living under a strict ascetic discipline, in many features resembling the later monastic orders of Christendom. Its numbers seem to have been small—according to Philo, only some four thousand. It was distributed in various country towns and villages of Palestine, but its main settlement was in the wilderness bordering the Dead Sea, near Engedi and Masada. Members of the order were distinguished by a white robe.

In some ways the Essenes seem like Pharisees of an intenser sort—the immense veneration in which they held Moses and the written Law, the rigid Sabbatarianism in which they offer so striking a contrast to Jesus, their separation from the impure world. In other points the Essenes departed from ordinary Judaism, most signally in repudiating all animal sacrifice. They were punctual indeed in sending offerings, other than sacrifices, to the Temple, but excluded themselves from the court in which sacrifice was offered. How they reconciled this view with their reverence for the written Law we are not told: presumably they explained the commandments relating to sacrifice as allegorical. Whether in their own food they were vegetarians is not clear, but they regarded all intercourse between the sexes, even in regular marriage, as a defilement, and they were careful never to void excrements in sight of the sun; they performed ceremonies of cleansing after each evacuation. They held it a profanation of the Sabbath to evacuate at all on that day. The direction in which they spat was religiously important to them. Nothing could be more unlike Jesus than this painful concern for an external imaginary cleanness. In one point the Essenes seem to have agreed, as against Judaism, with the Sermon on the Mount—in their condemnation of oaths: the condemnation must be understood of oaths used in common conversation, for new members admitted to the order had to bind themselves with terrific oaths. The Essenes lived a communal life, without private property; even a man's white robe did not belong to him, but to the order. Slavery they held to be wrong. Their occupations, other than the specific practice of religion, were agriculture, the tending of flocks and herds, the care of bees, the various kinds of handicraft needed to supply the community with tools and clothing and food. The communal meal was an important part of the fixed scheme of each day; it was a religious ceremony; each man put on a vestment in place of his working dress; food was prepared by the priests in the order, and the meal was eaten in impressive silence. The order had four grades; a novice was not admitted till after a year's probation, but it took three years for him to become a full member. The principle of the order was democratic in so far as the authorities were elected by a communal vote.

The Essenes were credited with occult powers and were consequently in demand both as healers and as predictors of the future. They must have cultivated a secret lore concerning the unseen world and its denizens, having a knowledge of the names of angels, which gave them magical power. With their view of the body and its functions as unclean, they seem to have approximated to Greek Orphics and Pythagoreans, looking forward to a state of discarnate bliss after death, not, like the Jews generally, to a bodily resurrection. But there is no trace of their believing in reincarnation, as the Orphics and Pythagoreans did. In this occult side of their religion the Essenes may quite probably have taken in elements from outside the Hebrew sphere, elements from that medley of traditions which was diffused through the East beneath the predominant Hellenistic layer, and which reappear in the various forms of Gnosticism. But some Essenes at any rate could be ardent Jewish nationalists and take the sword against the heathen. In the Great War against Rome, the Essenes were marked out by their heroic endurance of torture.

In the account of the Jewish sects which Josephus gives he makes a special point of their respective beliefs about Divine predestination and human free-will. The Sadducees, he says, excluded Divine determination altogether from human action: it rested with a man alone whether he chose good or evil: the Essenes made everything depend upon the will of God: the Pharisees asserted that everything happened by Divine decree, but at the same time allowed the reality of human choice in matters of conduct. To some extent Josephus may have been led by his desire to represent the Jewish sects to his Greek and Roman readers in the guise of philosophical schools, when he gave prominence to their divergence on the standing theoretical puzzle, the relation of the human will to Fate; yet the Rabbinical books prove that such questions did really exercise the Jewish schools, and the view which Josephus ascribes to the Pharisees corresponds with the dictum of the great teacher of the early second century A.D., Akiba, 'Everything is envisaged by God, and at the same time freedom is given.' It has also to be considered that the question was not a merely theoretical one, but that a different cast of piety resulted from the attitude taken up in regard to it. The ascetic puritanism of the Essenes went, like Calvinistic puritanism, with a belief in the absolute sovereignty of the Divine decrees, and the commonsense formalism of the Sadducees with the exclusion of any mysterious cause from human actions, whereas the Pharisees, in asserting two apparently contradictory things both together, the reality of Divine determination and the reality of human choice, followed the line to which the great body of Christian devotion has felt itself driven.

If communities like that of the 'New Covenant' and the Essenes did not directly influence the later developments of religion in Judaism and Christianity, they show tendencies and ideas at work which are found afterwards in other embodiments. The condemnation of divorce in the community of the 'New Covenant' and the condemnation of oaths amongst the Essenes reappear in Christianity. The lustrations which were important in Essene religion may have had some affinity with the baptism practised by John the Baptist and the later Christian baptism. The Essene communal meal may to some extent have resembled the communal meals of the early Church. But perhaps the most signal way in which these communities show a similarity of tendency to the Church is the very fact that they were organized communities arising out of the general body of Judaism and distinct from it. It has been pointed out (p. 413), as an important phenomenon, that in the last century B.C. the community-forming tendency within the Jewish sphere was already there.

V. THE SAMARITANS

The country between Judaea and Galilee was inhabited by the Samaritans, descendants of the northern Ten Tribes of ancient Israel, who had remained in the land after the Assyrian conquest, but whose blood had undergone some alien admixture through colonies of people from beyond the Euphrates imported by the Assyrian kings. From Kutha, one of the Babylonian towns whence the colonists were drawn, the name of Kuthaeans was opprobriously fastened upon the Samaritans by their Jewish kinsmen. They called themselves Israelites, as indeed by their predominant strain they were: the name of 'Samaritans' given them by the Greeks was taken from that of the country they inhabited, and the name of the country again from that of Samaria, its chief city. Samaria *the city*, however, had been from the days of the Diadochi to its destruction by the Jews *c.* 108 B.C., a Greek, not an Israelite, city: Samaritans did not compose its citizen-body, though some of them may have lived in the city, as native Egyptians lived in Alexandria[1]; but the towns and villages of Samaria *the country* had Samaritans for their main population. In the seventh century B.C. the mixed Israelite and Babylonian people had had an analogously mixed religion—a religion which must have been like that of the Jewish military settlement at Elephantine in the fifth century (vol. VI, pp. 178 *sqq.*). But ever since the Pentateuch had been established in the country as the supreme law-book—probably in the latter part of the fourth century B.C. by a priest from Jerusalem—the reproach of polytheism could be brought against the Samaritans with no more justice than it could be brought against the Jews. They were certainly as strict as Jewish Sadducees were in following the commandments regarding the worship of the One God, regarding the Sabbath and festivals and all other ritual practices laid down in the written Mosaic Law.

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[1] A somewhat doubtful inference by analogy may be made from the Samaria which was refounded as a Greek pagan city by Herod and called Sebaste. If that is the city meant in Acts viii. 5 (the text is uncertain), part of its population was Samaritan. The Gospel at that time was not yet preached to pagans.

In two main respects only do they seem to have differed from the Jews: they repudiated the prophetic books and recognized only the Five Books of Moses as of Divine authority, and they maintained that the place chosen by the Lord for the one sanctuary had not been Jerusalem but Mount Gerizim. It was on Mount Gerizim that they had their Temple, served by priests who claimed Aaronic descent, till it was destroyed by John Hyrcanus in 128 B.C. It seems never to have been rebuilt: the site was desolate when Jesus passed that way, though it remained sacred to the Samaritans and their Passover lambs were killed there[1].

Although the Pentateuch by itself would hardly furnish ground for visions of a Messiah such as were rife amongst the Jews, it seems clear that the Messianic hope had spread to the Samaritans at the time of the Christian era. The medieval Samaritan literature speaks of a Messiah entitled 'Ta'eb,' 'Restorer (?),' but direct proof from Samaritan books of the hope at an earlier date does not appear to be forthcoming. An indirect proof however may be found in the statements of the New Testament, Josephus and Justin Martyr.

It is strange, when the religious differences between Jews and Samaritans were so small, that the Jews should have looked on their kinsmen with such steady abhorrence and contempt. No doubt the preference of Gerizim to Jerusalem touched them on the quick. One may note that the Samaritans, too, were represented by a Diaspora outside Palestine; the papyri show Samaritan settlements in Egypt, though the numbers of Samaritans must have been very small compared with those of the Jews.

VI. THE JEWS OF THE DISPERSION

Outside Palestine there was now a Jewish Dispersion (*Diaspora*) of large proportions in the countries of the Gentiles. This Dispersion was divided into two main masses, according as it spoke Aramaic, like the Jews of Palestine, or spoke Greek. The Jews of countries east of Palestine were probably mainly Aramaic-speaking, although Babylonia and Western Iran were at this time dotted over with Greek cities. The history however of Eastern

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[1] Even to-day the Samaritans, who have gone on, through all the changes of twenty centuries, living in their old country, though now reduced to a poor little handful of some 200 at Nablus, offer their Passover sacrifice of seven lambs 'on an insignificant plot about ten minutes below the summit of the mountain in lieu of the holier sites' (J. Montgomery, *Samaritans*, pp. 35 *sqq.*).

Judaism in these centuries is for us almost a complete blank. In the third century A.D. the Rabbinical schools of Babylonia rose to an importance equivalent to that of the Palestinian schools, but although there must have been a large proportion of the Jewish people in Babylonia from the Captivity onwards we know hardly anything about them. That there were even now active schools of legal and religious study in Babylonia is indicated by the fact of Hillel's coming from that country in the last century B.C. already competent to debate questions regarding the sacred Law.

About the Jewish Dispersion in Greek-speaking countries, that is to say, in Rome and in all the eastern part of the Roman Empire, we know a great deal more. If the calculations upon which Harnack and Jean Juster base their estimate of its numbers are trustworthy, it must at the Christian era have formed a percentage in the total population of these countries about twice as great as the percentage of Jews in the United States to-day—about 7 per cent. as against 3½ per cent. In Egypt out of a total population of about 8 millions about one million were Jews. Whereas the Jews of Palestine were mainly engaged in agriculture and stock-farming, the Jews of Greek-speaking lands were city-dwellers. Thus their language became Greek even in countries which had a non-Greek native population. In Egypt, for instance, though there are traces under the Ptolemies of little groups still speaking Aramaic, it is unlikely that many Jews could speak Egyptian. Greek became the language of the great bulk of Egyptian Jews to such an extent that they ceased to understand Hebrew. As early as the third century B.C. it became necessary to translate the Scriptures into Greek for the Egyptian Jews.

The story of the translation of the Old Testament into Greek by seventy (or seventy-two) scribes imported from Palestine by Ptolemy II, in order to furnish his Library, is universally recognized as fiction, but it has given its name to the Septuagint. Actually the Septuagint translation of the Old Testament was made only bit by bit in Egypt over a series of generations, but the translation of the Pentateuch seems to be already known to the Jewish writer Demetrius in the latter part of the third century. Ben-Sira's grandson, who translated his book into Greek (our Ecclesiasticus) in the latter part of the second century, speaks as if the Greek translation of the other Old Testament books were practically complete. When the papyri extended our knowledge of the current spoken Greek of the time, there was a tendency to explain all the differences between the Greek of the Septuagint and classical Greek as adaptations to the living language of the day. It is now generally recognized that this went much too far: some unclassical words and phrases in the Septuagint were no doubt current Greek, but the translation as a whole reproduces the idiom of the original so closely that the result would to an ordinary educated Greek be, if not quite unintelligible, at any rate uncouth, and often ridiculous. Probably hardly any one except Jews and proselytes ever looked at the Septuagint. For those who believed that it was inspired its obscurity and uncouthness would not be an offence: even Greeks held that oracles were often obscure and uncouth. And at the time of Philo (*c.* 20 B.C.–*c.* A.D. 40) the common belief amongst Egyptian Jews was that the Septuagint translation of the Law was as directly inspired, every syllable, as the Hebrew original had been. It was therefore unnecessary to enquire what Hebrew terms it represented: Philo himself seems never to have found out that the Greek *Kyrios* ('the Lord') stood for the ineffable Name YHVH. A hundred years later, Jews had repudiated this belief in the divine authority of the Septuagint, and it had passed to the Christians.

The communities of the Jews in the Greek and Italian cities held a peculiar position. They had little ambition to take part in the politics and social festivities of their Gentile neighbours: the two things by which they set store were freedom to practise their religion and the power to regulate the lives of their members by Jewish laws. And these two things the Hellenistic kings, as the Roman Emperors after them, seem as a rule to have been concerned to secure to them. It was usually made penal for any one to hinder the Jews in the exercise of their religion; they were allowed to levy the half-shekel tax on their members and send the sum raised to Jerusalem for the expenses of the Temple worship, and they had their own judicial courts, which could not only settle civil disputes, but inflict certain penalties such as fines and scourging. Our fragmentary notices seem to show the existence of local Jewish senates (*gerousiai*) under the presidency of a body of *archontes*, which could pass honorific decrees to be inscribed on tablets set up either in some public place (at the Cyrenian Berenice in the amphitheatre) or in the precincts of the synagogue. At Alexandria the Jewish community up to the time of Augustus had apparently a supreme head called *ethnarches*. Kings and Emperors generally regarded the Jews with favour as an element useful to their government: it was the Greek citizen-bodies who were apt to be hostile: they were compelled to concede the Jews, however much they hated them, a privileged position. It used to be believed, on the authority of Josephus, that the Jews had been actually made by the kings members of the citizen-body at Alexandria and Antioch, but later evidence, especially the letter of the Emperor Claudius published in 1924, seems to have proved that it is not true. It is possible that what the Jews were given in these two cities was 'isopolity,' that is, a kind of potential citizenship, which a Jew might take up on certain conditions[1].

Living as they did in a Greek environment, learning to speak and write Greek by a study of Greek authors used in schools, it was inevitable that the Hellenistic Jews should be influenced by Greek ideas to a greater extent than the Jews of Palestine. The close contact would not in all cases mean assimilation; it might in some mean an intensification of differences: St Paul, for instance, tells us that though his home was in Tarsus he had been brought up as a Hebrew of the Hebrews. But in a large number of cases Greek ideas penetrated, and the necessity of adjusting the two traditions, the religious Jewish one and the intellectual Greek one, caused trouble. For us the great figure representing the attempt at fusion is that of Philo of Alexandria, the main part of whose voluminous works has come down to us. Philo writes a highly literary Greek, with Plato always in view, but charged with poetical words and metaphorical phrases which show the influence of the later rhetorical schools. While fundamentally Philo's religion is the old Hebrew attitude of adoring abasement before a personal God, he has combined with this an idea of ecstatic contemplation, which derives from Plato, and a scheme of ascetic self-discipline directed to freeing the soul from bodily passions, which derives from the later Greek philosophic schools. Philo claims to draw all this idea of mystical devotion and all this scheme of life from the Old Testament—or rather from the Pentateuch, for his references to other books of the Old Testament are few—and he does it by construing both the narrative and the laws as allegories, according to a method which seems to us to-day fantastic and arbitrary in the extreme. The way of allegory indeed was the main way by which everything in Judaism which repelled the Greeks—circumcision, the distinction of clean and unclean foods, the Sabbath—could be made to appear reasonable. The method was not itself a new idea of Philo's; it had already been used freely by Greek philosophers to explain what was offensive in Greek mythology; but Philo applied it in a somewhat different way. Greek philosophers had explained Greek mythology mainly as an allegory of physical processes; Philo explained the Pentateuch as an allegory of virtues and vices and processes of the soul.

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[1] G. De Sanctis, *Riv. di filologia* LII, 1924, p. 473. W. W. Tarn, *Hellenistic Civilization*, ed. 2, p. 193. But perhaps the question has not yet been cleared up. Josephus says that the Jews at Alexandria had a status equivalent to that of 'Macedonians' and were still, when he wrote, called 'Macedonians' (*contra Apion.* II, 37). He can hardly have made a specific statement which his readers in Alexandria would know instantly was not true. And the statement is confirmed by a papyrus in which two men who are apparently Jews call themselves Macedonians (*B.G.U.* no. 1151). U. Wilcken, *Grundzüge und Chrestomathie der Papyruskunde* I. p. 63, and W. Schubart, *Archiv für Papyrusforschung* V. pp. 111 *sqq.* have made it probable that the people called 'Macedonians' at Alexandria were distinct from the citizen-body. Possibly the 'Macedonians' had special connection under the Ptolemies with the army, and Jews, who served in the army, may have been put into this class.

While, however, for us Philo stands almost solitary as a representative of this Alexandrian type of Judaism, it is plain from references in his works that he had had predecessors whose teachings have perished. He stood in a line of tradition. It is also plain that a certain section of Hellenistic Jews went farther than he did in volatilizing the taboos and other ritual prescriptions of the Law. There were Liberal Jews who declared that laws of circumcision and keeping of the Sabbath were not literally binding: all that God required was that men should have the virtues which these external things typified. Since Christians later on often took this line in regard to the external ordinances of Judaism, it is important to note that it had already been taken by a section of the Hellenistic Jews before the rise of Christianity. They can hardly have been a large section, or we should have heard of them in connection with Christian propaganda. Philo strongly disapproved of them; he contended that, although the external ordinances had their value as allegories, it was obligatory to observe them literally as well. It is significant that in the infant Church at Jerusalem the person who first infuriated the authorities by depreciating the Temple was the Hellenistic Jew Stephen.

If in Palestine we have noted the existence of peculiar communities beside the main stream of religious life, it is likely that among the Jews of the Dispersion also peculiar communities existed of which all memory has perished. A single writing of Philo has preserved knowledge of one community in Egypt—the *Therapeutai*. The people so described were apparently exceedingly like the Essenes—a kind of monastic order, including men and women, living a communal life of worship and contemplation, under a strict ascetic regimen, on the shores of Lake Mareotis. Though like the Essenes in many respects, the *Therapeutai* seem to have been in their ideas nearer the main stream of Judaism: Philo regards them as altogether orthodox Jews. It is never indicated that they condemned marriage or literal animal sacrifice: the order included married persons, as indeed, Josephus tells us, one section of the Essenes did. The description which Philo gives of them seemed to Christians later on so like that of the Christian monastic settlements in Egypt that Eusebius actually supposed, no doubt erroneously, that Philo had come across a community of early Christian monks. As to the name *Therapeutai*, Philo himself was not clear whether it ought to be understood as meaning 'Healers' or 'Worshippers.'

It was naturally the Hellenistic Jews who mainly carried on religious propaganda amongst Gentiles. An allusion in the Gospels indicates that zeal for making proselytes was also found amongst the Pharisees of Palestine, but it was the Hellenistic Jews, living as they did amongst Gentiles, who were most concerned with the Gentile world. A great part of the Hellenistic Jewish literature which survives was definitely intended to make an impression upon Greeks. To some extent the object was no doubt actually to draw Gentiles as proselytes to the Jewish community, but a more general object was to give Greeks a favourable view of Judaism, even if they did not attach themselves to it.

This was partly a measure of self-defence, for in the second century B.C. an Antisemitic temper was already arising in the populations of the Greek cities. The Greek notices of Jews belonging to the first generation after Alexander, taken from the Peripatetics, Clearchus and Theophrastus, or from Hecataeus of Abdera, are by no means unfriendly—one might call them in some points admiring—but by the second century the Jews were becoming unpopular. This was an inevitable consequence of their refusal to take part in the idolatrous public festivities of Greek cities, their social exclusiveness and their assurance that they had a superior religion. We do not hear of pogroms at Alexandria till A.D. 38[1], but literary attacks on Judaism by Greek writers were already holding the Jews up to contempt more than a hundred years earlier. Mnaseas of Patrae or Patara, a contemporary probably of Antiochus Epiphanes, seems to have set in circulation the story that the Jews kept the image of an ass's head in the Holy of Holies.

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[1] Apart from an isolated reference in Jordanes, *Getica*, 81 which refers to the times of Ptolemy Alexander I, *c.* 87 B.C. This Ptolemy may, however, have been put wrongly for Ptolemy VIII Soter II. See H. I. Bell, *Juden und Griechen im römischen Alexandreia*, p. 9.

On the other side, an apologetic literature in Greek naturally arose amongst Hellenistic Jews. Demetrius, Eupolemus, Artapanus, Aristeas and Cleodemus Malchus wrote accounts of Abraham and the origins of Israel, to counteract the accounts given by Greek Antisemites: it was Moses who invented writing; it was Abraham who had taught the Egyptians astrology; it was Joseph who had created scientific agriculture. Aristobulus (about the middle of the second century B.C.) gave a philosophical justification of Judaism. It was he, so far as we know, who first put forward the assertion (afterwards repeated by the Christian Fathers) that the Greek philosophers, Pythagoras, Socrates and Plato, had drawn their wisdom from the writings of Moses. Certain Jews (like certain Christians after them) resorted to forgery as a means of religious propaganda: verses condemning polytheism or idolatry, or inculcating the ethical principles of the Law, were set in circulation, as taken from old Greek poets, Phocylides or Aeschylus or Sophocles or Menander; a fabricated *Life of Abraham* was fathered upon Hecataeus of Abdera; but chiefly sham Sibylline Oracles were composed, imitating the pagan ones in circulation which professed to have been given forth by inspired Sibyls long before. It would not be fair to charge the Jewish community as a whole, any more than the Church as a whole, with approving of forgery as a means of propaganda. The individuals who composed the fabrications in question must have known that they were fraudulent, but unquestionably the religious Jews and Christians who afterwards brought forward these forgeries in evidence did so in good faith, never doubting but that they were genuine. And it may well be that the actual fabricators sincerely believed that they were doing God service: it was so much worse an evil for their pagan neighbour to believe in many gods than to believe that a verse recently fabricated was an old one, that it might well seem a good action if you could cure the worse delusion by inducing the slighter one.

Whether it was owing to Jewish efforts, or to the attraction of the religion in itself, numbers of Greeks were actually drawn to the Synagogue. With all the externals which seemed to a Greek repellent, the religion of the Jews had a quality which they found nowhere else, and with all the depravity of individual Jews, there were moral standards recognized in the community higher than those of pagan society. Such things as homosexual vice and the exposure of infants, lightly thought of amongst the Greeks, Judaism uncompromisingly condemned. We cannot know how far the increase of the Jewish community in Hellenistic times was due to the accession of Gentile proselytes. It is certain that Gentiles joined it in some numbers: the suspicion and dislike of proselytes which some later Rabbinic utterances show was probably a later development: Philo has words of very warm welcome for proselytes, and declares that they are to be put on a footing of complete equality with born Jews. Circumcision was the great deterrent for Greek men; and beside those who took on them the whole yoke of the Law, there were many Gentiles in a looser connection with the Synagogue, who took part in its worship and observed some of the Jewish ordinances, such as the Sabbath. To such half-proselytes a term which means 'those who fear God' was applied; but it is doubtful whether (as is commonly stated) it was used to distinguish half-proselytes from full proselytes, or whether it included both classes.

Of the literature produced in Greek by Hellenistic Jews (mainly in Egypt) some no doubt was intended rather for the edification of the faithful than for the Gentile public. This would probably have been true of the work which stands highest amongst the remains of that literature, both from a religious and from a literary point of view, the *Wisdom of Solomon*. The writer bases his style on that of the poetical books of the Old Testament, but he has enriched it with colours borrowed from the Greek poetical and philosophical vocabulary, by no means infelicitously. The book contains an impassioned assertion of the survival of the personality beyond death, apparently in deliberate opposition to the book of *Ecclesiastes* (possibly itself, though written in Hebrew, the work of an Egyptian Jew); but in *Wisdom* the survival is conceived rather, in Platonic fashion, as the survival of the soul alone; there is nothing said of a resurrection of the body. It is likely, too, that the historical work of Jason of Cyrene, narrating, in a somewhat tawdry Greek rhetorical style, the story of the Maccabaean revolt of which our II Maccabees is an epitome, was written rather for the Jewish than for the Gentile public, and the same may be said of the poetical literature which treated Hebrew themes in the metres and forms of Greek poetry, the epics of Philo (not the well-known Philo) and the Samaritan Theodotus, the drama of Ezekiel on the exodus. From the fragments preserved they seem to have been insipid conventional imitations. But, of course, the motives of edifying the faithful and of impressing the Greek world were not mutually exclusive: both might act together in the same work. In the case of Philo of Alexandria himself it is impossible to say how far his object was to lead Greek philosophers to become Jews, and how far to lead Jews to become philosophers.

While then the clash between the Jewish religion and Hellenism at Jerusalem under Antiochus Epiphanes resulted in a violent repudiation of Hellenism as altogether evil, Hellenism here being taken to include pagan religion, we see in Hellenistic Judaism a real attempt to combine Jewish religion with the literary and philosophic tradition of Hellenism, while still excluding, as staunchly as ever, the polytheism, the idolatry, the immorality, of the Greek world. When after the fall of Jerusalem Judaism all the world over became Hebrew and Rabbinic, Hellenistic Judaism, as such, withered away. The Synagogue cast its works upon the scrap-heap, and there would be no human memory of them now, had not the Christian Church, which succeeded to the great task of combining Hebrew religion with Greek culture, picked some of them up for its own guidance and preserved them for the Christians and Jews of to-day.

CHAPTER X

THE PROVINCES AND THEIR GOVERNMENT

I. THE GROWTH AND EXTENT OF THE EMPIRE

POMPEY'S settlement of the East marks a stage in Roman foreign and provincial policy. It is, therefore, appropriate to review the growth of the Roman provincial system and its organization at the moment which preceded the final crisis of the Republic of which Crassus' campaign against Parthia and Caesar's conquest of Gaul form a part.

When we speak of a Roman province we are accustomed to think of a well-defined geographical area which Rome had annexed and for the administration of which she had made herself responsible. It is however important to recognize that it was only in the last century of the Republic that the term 'provincia' came to be used almost exclusively in this sense. In the earlier days of Roman History it was applied freely to any piece of work which was allotted to a magistrate or pro-magistrate. Thus during the Hannibalic War the 'province' of a praetor might be the command of troops in Apulia or Etruria or the conduct of the war by sea, or it might be the government of one of the provinces proper, Sicily and Sardinia. The praetors whose duties were performed in Rome were said to have the *provincia urbana* and the *provincia peregrina*. For long Italy itself was described as a province which might be allotted to a consul, whose colleague was entrusted with a foreign command. Thus in 171 B.C. the consuls were instructed to draw lots for the provinces of Italy and Macedonia, though it was many years before the latter was actually annexed. In 112 B.C. the provinces fixed for the consuls of the next year were Italy and Numidia, *i.e.* the conduct of the war against Jugurtha, and in 88 B.C. the consul Sulla took as his province the war against Mithridates, leaving to his colleague Q. Pompeius the protection of his interests in Italy. As late as 59 B.C. we find the term 'provincia' used in its earlier sense: the Senate allotted to Caesar the 'provinciae minimi negotii,' the care of the woods and roads of Italy[1]. By this time, however, the provinces permanently annexed by Rome were so numerous that it was usually possible to give the status of a regular provincial governor to the general entrusted with the conduct of a war. Operations were conducted against the Teutoni and Cimbri by governors of Gallia Transalpina, and governors of Macedonia held in check the wild tribes of the Balkans. In 74 B.C. Lucullus and Cotta undertook the war against Mithridates as governors of Cilicia and Bithynia, and Pompey was governor of Nearer Spain during the campaign against Sertorius.

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[1] Suet. *Div. Iul.* 19; see p. 513.

The government of the Republic recognized gradually and unwillingly that it was desirable to undertake permanently the duty of administering and protecting certain definite extra-Italian areas, and historians agree that annexation was postponed as long as possible. Twenty years passed after the defeat of Perseus before Macedonia became a province, and the long war against Jugurtha led to no important extension of the province of Africa. It was left to Augustus to annex Egypt, though this could easily have been done at any time during the fifty years which preceded the fall of Cleopatra.

This unwillingness to extend the Empire is to be attributed to a feeling on the part of those who were responsible for Roman foreign policy that the acquisition of provinces was imposing on Republican institutions a strain that they were scarcely able to bear. At the time when her power and prestige were increasing, Rome retained a machinery of government and administration which differed little from that of a Greek city-state of the Periclean age. Her executive consisted of annually elected magistrates: she possessed no body of permanent officials: her army was a citizen militia, normally commanded by generals who owed their position not to military experience but to election to a magistracy. She had indeed in the Senate a body to which no real parallel can be found in Greece, consisting as it did of all who had occupied responsible positions. But the authority exercised by the Senate rested on a precarious basis and was founded on custom rather than law. Even in its great days this authority was liable to be challenged, and after the Gracchan period it was easy to short-circuit the Senate by appealing to the popular assemblies. The powers which the Lex Hortensia of 287 B.C. had conferred on the assembly of the Plebs involved a danger which became greater as time passed. While the assembly became less and less representative of the citizen body, the problems with which it might be called upon to deal became more important as the influence of Rome extended through the Mediterranean world. Polybius asserts that representatives of foreign states considered the Roman constitution to be aristocratic, because in his day their affairs were dealt with exclusively by the Senate. A century later he would have expressed himself differently. The Senate had indeed its defects: it tended to be unenterprising and unduly distrustful of men of ability. But it was far better qualified to deal with questions of foreign policy than a popular assembly dominated by tribunes who were in most cases merely the agents of ambitious individuals. There is much truth in the saying which Thucydides puts into the mouth of Cleon that 'a democracy cannot administer an empire[1],' and in the statement of Sallust that 'to restore power to the Plebs was to prepare the way for monarchy[2].'

It is therefore not surprising that both before and after the Gracchan period the Senate was opposed to annexation, if it could possibly be avoided. The possession of provinces raised administrative, military, and financial problems which could only be solved by a complete transformation of the system of government and by the creation of a professional army and a class of permanent officials. It was not a mere selfish desire to retain its power which led the Senate to view with concern the growing tendency to bring before the popular assemblies matters concerning provincial administration, but a justifiable feeling that these matters could best be settled by a body whose members had personal experience of the points at issue. Senators felt that, if questions of foreign policy were going to be settled by an ignorant proletariate, it was wise to incur as little responsibility as possible.

There is also no reason to think that a policy of annexation normally formed part of the programme even of the 'popular' party[3]. As was noted above, no large annexations in North Africa followed the successful close of the Jugurthan War, though at that period the popular leader Marius was all-powerful. It must not be forgotten that the burden of military service was still borne mainly by Italians, and that the acquisition of new provinces would inevitably lead to an increase of this burden. The annexation of Spain and Macedonia involved Rome in long and costly wars, the memory of which might well discourage the assumption of further responsibilities. No doubt more was to be said for imperialism on financial grounds. After the annexation of Macedonia direct taxation came to an end in Italy. But even civilized and normally peaceful provinces such as Sicily brought in less to the Roman treasury than might have been expected. The system of tax collecting was wasteful, and though all governors were not as unscrupulous as Verres, an undue proportion of the revenues of a province found its way into the pockets of the official representatives of Rome. It is not certain that even the equestrian order and the publicani were consistently favourable to annexation. Their activities were by no means confined to Roman territory, and their profits might even be diminished by the transformation of a client kingdom into a province. On the whole it seems wrong to treat Pompey and Caesar as agents of the 'capitalist' class, and it is safer to attribute mainly to military considerations the extensions which they made to the Roman Empire in the east and the north. It was certainly a sound military instinct which led them to the Euphrates and the Rhine.

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[1] III, 37.

[2] *Bell. Iug.* 31.

[3] See Tenney Frank, *Roman Imperialism*, pp. 266 *sqq.*

The Roman Empire was destined to include all the countries facing on to the Mediterranean Sea, and to give political unity to an area which seems intended by nature to be one both politically and economically. In order to secure protection against barbarian invasion, it ultimately proved necessary to include the hinterland in the Empire by advancing the frontier to the Rhine and Danube in the north and to the Euphrates in the east. To the south Rome was to occupy the northern fringe of Africa, and to the west her Empire was bounded by the Atlantic. In the period with which we are concerned the annexation of this area had only just begun. The provinces of the Republic were acquired piecemeal as circumstances made annexation inevitable, and although even in the second century B.C. Rome was regarded as the greatest Mediterranean power, it was not till the Principate that all Mediterranean lands were brought directly under her rule.

In the year 146 B.C. Rome possessed six provinces—Sicily, Sardinia, the two Spains, Africa, and Macedonia. Of these the first five had fallen to her as a result of the wars with Carthage, while the last was unwillingly annexed in 148 B.C. after the collapse of an interesting experiment in self-government (vol. VIII, pp. 273 *sqq.*). Part of the eastern coast of the Adriatic, the later province of Illyricum, had come under her control in 167 B.C., and its inhabitants paid taxes, but there is no evidence that a governor was sent regularly to the district before the time of Caesar: the tribes and cities were probably left to manage their own affairs without Roman interference. If trouble arose, the district could temporarily be allotted to a consul as his 'province' for the purpose of conducting a war. This happened in 129 B.C., when the consul Tuditanus gained a triumph for victories over the Iapudes (p. 107 *sq.*).

The Romans would never have annexed Spain if it had not been absolutely necessary to keep it out of the hands of Carthage. Only at the very end of the period of Carthaginian domination did Hamilcar attempt to subdue the inner part of the peninsula, and when Rome took the place of Carthage her authority was probably scarcely recognized beyond the valleys of the Ebro and the southern rivers. Her long wars with the Spanish tribes have been described elsewhere (vol. VIII, chap. X, and above, pp. 318 *sqq.*). Here it is enough to say that not until the reign of Augustus was her power firmly established from the Pyrenees to the Straits of Gibraltar. The career of Sertorius shows on what slender foundations Roman authority rested as late as the Sullan period. Though such mines as Rome controlled were worked in the interests of the treasury, it is possible that the revenues of the Spanish provinces barely covered the cost of occupation.

The annexation of Sicily, Sardinia, and Corsica which followed the first Punic War, though due in the first instance to military considerations, brought considerable financial and economic advantages to Rome. These islands provided the Roman market with corn, and, except on one or two occasions, notably at the time of the slave rebellions in Sicily, did not call for the presence of large armies. 'Sicily,' says Cicero, 'has displayed such goodwill to the Roman people that the States of that island which have come into our alliance have never revolted afterwards, but many of them, and these the most illustrious, have remained firm in our friendship for ever[1].'

Republican Rome had no desire to found a great empire in north Africa. After the destruction of Carthage she was content to annex the territory immediately adjoining the city. The area of the province of Africa was only about 5000 square miles, a large proportion of which was allotted to the seven free cities which paid no taxes to Rome (vol. VIII, p. 484). The military defence of Roman interests in north Africa was normally left to her ally, the king of Numidia.

The annexation of the kingdom of Macedonia was postponed as long as possible, and the defence of this district against the Thracian tribes imposed a severe strain on the Roman military system. Though the province was usually governed by a praetor, in the period following 120 B.C. it was necessary to send to it a succession of armies under the command of consuls, and in the decade beginning in 80 B.C. victories were gained by Cn. Cornelius Dolabella, C. Scribonius Curio, and M. Lucullus, who were all ex-consuls. During the later Republic the authority of the governor of Macedonia extended into Greece, which was not organized as the province of Achaea till 27 B.C.

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[1] II *in Verr.* II, 1, 2.

The years which elapsed between the fall of Carthage and Pompey's eastern settlement saw a considerable extension of the provincial system. In 120 B.C. Rome took the important step of annexing the lower part of the Rhone valley and the coast from the Pyrenees to Nice as the province of Gallia Transalpina. As far back as 154 B.C. she had been called upon to assist her old ally Massilia against raiders from the north (vol. VII, p. 330), and the foundation of the new province may probably be attributed not merely to a desire to control the route from Italy to Spain, but to an appreciation of the fact that control of the Rhone valley was essential for the defence of the Mediterranean coast against invasion from the north. Rome's action was justified when the Teutoni and Cimbri made their appearance, a few years after the foundation of the province (pp. 139 *sqq.*).

Until 133 B.C. Rome refrained from annexations in Asia Minor, and adhered to her traditional policy of forming ties of friendship and alliance with the kings of Pergamum, Bithynia, Cappadocia, Pontus, and Galatia. But when Attalus king of Pergamum made her his heir, she accepted the inheritance and created the province of Asia (pp. 102 *sqq.*). The example of Attalus was followed by Nicomedes of Bithynia in 74 B.C., and some ten years later the *lex provinciae* of Bithynia was drawn up by Pompey. A governor of Cilicia is mentioned as early as 102 B.C., but the exact character of Rome's control of southern Asia Minor before Pompey's eastern settlement is uncertain. All that need be said here is that at the end of the Mithridatic Wars the coastline of Asia Minor and a considerable part of the hinterland had been annexed, while most of the plateau was left in the hands of the client kings of Galatia and Cappadocia. When Pompey made Syria a province he was continuing in the East the policy of annexing the Mediterranean coast (p. 392 *sq.*).

Only two more provinces remain to be mentioned. The district of Cyrene, which had been left to Rome by the will of Ptolemy Apion in 96 B.C., was finally given a provincial organization in 74 B.C., and the island of Crete which was annexed seven years later was probably put under the same governor. (The island of Cyprus, annexed in 58 B.C., was in the first instance added to the province of Cilicia.) Finally, one of the results of the Social War was the organization of north Italy as the province of Cisalpine Gaul, so that from the time of Sulla at latest this district was put under a regular governor.

In this way the number of the provinces, which had been six in 146 B.C., rose to ten in the time of Sulla and to fourteen after Pompey's eastern settlement. This increase complicated the problem of the appointment of governors, and, as will be shown below, led to a dissociation of provincial governorships from the annual magistracy which was to have far-reaching results.

It must be noted in conclusion that a large part of what was ultimately to be included in the Roman Empire was at the end of the Republic still ruled by 'client kings' who were described as 'friends and allies' of Rome, were definitely recognized by the Senate, and could even refer to their kingdoms as the gift of Rome. These kings paid no taxes, but were expected to render assistance in war and to subordinate their foreign policy to Roman interests. The most important of these were the kings of Numidia and Mauretania in north Africa, and the kings of Galatia and Cappadocia in Asia Minor. Even in the second century the kings of Egypt frankly recognized the primacy of Rome, and in 59 B.C. Ptolemy Auletes paid large sums to obtain Roman support (p. 518). Before the end of the Republic the authority of Rome was recognized in some form in most of the lands which were, under the Principate, to be included in her provincial system.

II. THE PROBLEM OF IMPERIAL DEFENCE

We have seen that one reason for the unwillingness of Rome to annex provinces was that to do so was likely to raise difficult military problems. The system of army organization which had barely proved adequate to the task of defending Italy against Hannibal was not well suited for the protection of overseas areas, and it is thus not surprising that the Senate preferred to trust as long as possible to alliances with foreign kings who, it was hoped, would employ their armies in the interests of Rome. Modern experience shows that, however capable a citizen army may be of defending its home at a crisis, the duty of garrisoning distant lands, at least in peace time, can best be performed by professional soldiers. This truth was fully realized by Augustus, and it was by long-service troops that the frontiers of the Empire were defended against barbarian invasion during the centuries which followed his reorganization of the army.

The close of the Hannibalic War left Rome in possession of a highly trained army, a group of experienced officers, and at any rate one first-class general, Scipio Africanus. But when the crisis was over it began to be felt that the permanent retention of this instrument was unnecessary, and inconsistent with the spirit of Republican institutions. Serious as were many of the wars which were waged during the following century and a half, the very existence of the Roman State was never again in danger. The result was a reaction against the professionalism which the necessities of the Hannibalic War had produced. We find what has been called 'a continuously wavering compromise between constitutionalism and practical necessity[1].' Under the later Republic the professional soldier and the professional general existed *de facto*, but their existence tended to be ignored and the army was not reorganized on a professional basis. The old idea lingered that it was essentially a citizen militia, and that its normal commanders were annually elected magistrates. Members of the leading families competed with each other for military commands calling for a knowledge and experience which they did not possess. The result was over and over again a loss of life and prestige which could easily have been avoided had it been recognized that highly trained armies were necessary and that amateurs were incapable of commanding troops in war time. In the long run it was generally necessary to call in a Scipio Aemilianus, a Marius, a Sulla, or a Pompey, whose task was made harder by the incompetence and inexperience of his predecessors.

The well-known account given by Polybius of the Roman army of the second century is very incomplete[2]. The four legions which he describes as being raised annually in Rome formed only a small part of the forces which existed at any given date, and should be regarded as primarily training units, employed on military duties in Italy itself, but seldom or never sent abroad. Men who had been trained in one of these *urbanae legiones* could be transferred to the forces in the field. Every Roman citizen was liable to sixteen years of service in the army. At an earlier date these campaigns had seldom been served continuously, but after the Hannibalic War practically continuous service became the rule rather than the exception. When a war was in prospect the general appointed to the command was authorized to raise whatever force seemed to the Senate to be adequate, and he would naturally wish to secure for his legions as many soldiers as possible who had already seen military service.

The situation in this period is admirably illustrated by a speech which Livy[3] puts into the mouth of a soldier named Sp.

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[1] Kromayer and Veith, *Heerwesen und Kriegführung der Griechen und Römer*, p. 297.

[2] VI, 19–42.

[3] XLII, 34.

Ligustinus who in 171 B.C. volunteered for service in Macedonia. 'I became a soldier in the consulship of P. Sulpicius and C. Aurelius (200 B.C.) in the army which was sent to Macedonia, where I fought for two years as a private against King Philip: in the third year as a reward for bravery T. Quinctius Flamininus made me a junior centurion. When after the defeat of Philip and the Macedonians we were brought back to Italy and discharged, I at once went off to Spain as a volunteer with M. Porcius the consul (195 B.C.)....This general thought me worthy of promotion to a higher rank among the centurions. My third experience of soldiering was as a volunteer in the army which was sent against the Aetolians and King Antiochus: I received promotion from M'. Acilius (191 B.C.). When King Antiochus had been expelled and the Aetolians subdued, we were brought back to Italy. Then I served in two legions which were raised for a year. After that I served twice in Spain under Q. Fulvius Flaccus (181 B.C.) and Ti. Sempronius Gracchus, the former of whom as a reward for my courage let me take part in his triumph, while Gracchus actually asked me to go to his province. I have received thirty-two times rewards for bravery from my generals, four times within a few years I have been the first centurion of a legion, and I have received six 'civic crowns,' I have served twenty-two annual campaigns, and am more than forty years old.'

This Ligustinus was obviously to all intents and purposes as much of a professional soldier as any legionary of the Principate, but the conditions of his life were entirely different. He was not, like the latter, attached to a definite legion stationed for long periods (sometimes for centuries) in one frontier province. His life was more varied and adventurous, but his prospects were less certain. When no important war was in progress he might well find himself unemployed, and when his fighting days were over he could not look forward to a pension. On the other hand, he had probably greater opportunities of enriching himself during his period of service. Many soldiers, says Livy (XLII, 32, 6), volunteered in 171 B.C. because they knew of the wealth acquired by men who had served against Philip and Antiochus.

The conditions of military service were altered but not completely transformed by the changes which are attributed to Marius (see pp. 134 *sqq.*). Service was more continuous in the first century B.C. than in the second, indeed it is probable that the legionaries usually served for twenty years on end[1]. But the size of the army was not fixed. The number of the legions varied according to need, and soldiers must often have been transferred from one legion to another. At the end of a campaign, *e.g.* those of Sulla and Pompey against Mithridates, many units were dissolved and great masses of troops disbanded. At a crisis a general was expected to improvise an army. The troops with which Caesar conquered Gaul were largely his own creation. When Pompey and Crassus were given commands in 55 B.C. they were explicitly allowed to raise as many citizens and allies as they wished[1]. After the appointment of a provincial governor the Senate decided what troops he should be allowed, and the size of a provincial garrison was determined entirely by the military situation. If a province seemed to be peaceful, it might be almost denuded of troops.

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[1] H. M. D. Parker, *The Roman Legions*, pp. 24 *sqq.* See above, p. 136.

The situation in which Cicero found himself when appointed proconsular governor of Cilicia in 51 B.C. illustrates admirably the defects of the military system. Only two years before, the Parthians had inflicted on Roman troops the decisive defeat of Carrhae, and retaliation on the Roman provinces for the offensive of Crassus was only to be expected (p. 612). Yet Cicero and his neighbour Bibulus in Syria seem to have been left with forces quite incapable of dealing with a serious invasion. His two legions were below strength, disorganized, and undisciplined. 'The situation is such,' he writes to the Senate, 'that unless you send with all speed to these provinces as large an army as you generally send to a great war, there is the greatest danger of the loss of all the provinces on which the revenues of Rome depend. You must not base any hopes on recruiting in the provinces. Few recruits are available, and those who are available take flight when threatened with military service. Bibulus showed what he thought of this kind of soldier when he refused to hold the levy which you permitted him to hold in Asia. Our rule is so harsh and oppressive that the auxiliary forces of our allies are either too weak to help us much or so much estranged from us that we can neither expect any help from them nor repose any confidence in them. . . . Though I am so short of soldiers I shall not lose heart, and hope that I shall find a way out of my difficulties: but I don't know what will happen[2].' Cicero's letters make it clear that in Asia Minor, even after the annexation of several provinces, Rome still evaded the responsibility of defending them against invasion, and trusted unduly to the forces of client kings, most of whom were unable or unwilling to fight her battles for her. He himself was fortunate in having in Deiotarus of Galatia an ally whose troops were of real value.

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[1] Dio xxxix, 33.

[2] *ad fam.* xv, 1, 5.

Though Republican Rome was not lacking in energy at a crisis, and was prepared to take almost any steps to secure the defeat of a dangerous opponent, she may fairly be accused of neglecting her duties in the matter of imperial defence. She still regarded the soldier primarily as a fighting man to be used in an emergency, and in spite of the gradual professionalization of the army seldom regarded it as a garrison force. If immediately after the annexation of the south of Gaul a strong permanent garrison had been established there under the command of a competent general, it is probable that the menace of the Teutoni and Cimbri would have been far less threatening. As it was, a succession of hurriedly raised armies were defeated, and the northern invaders were able to stream over into Spain and into Italy itself. The situation was only saved by the conferment on Rome's best general of a series of consulships which finds no parallel in Roman history. The establishment by Augustus of a well-defended frontier on the Rhine prevented the recurrence of such a calamity till the middle of the third century A.D.

In Macedonia things were equally unsatisfactory. Cicero describes it as a province 'adjoined by so many barbarian tribes that its governors have always held that the boundaries extend as far as their swords and javelins can reach[1].' Few praetorian governors, he says, and no consulars have returned from it unscathed without being awarded a triumph. Not many details of the Macedonian Wars have reached us, but it is clear that their management reflects no credit on Rome. It is incredible that the power which had defeated Carthage and the kings of Macedonia could not have crushed the Balkan tribes if it had taken the matter in hand with vigour. As it was, Rome disarmed the native population of Macedonia and yet took no adequate steps to protect it against its warlike neighbours. Subsequent history shows that the only satisfactory solution was an extension of the frontier to the north. From the time of Augustus, Macedonia developed peacefully as an 'unarmed' province, ruled by the Senate and protected by the garrison which the Emperors maintained on the Danube in the province of Moesia. The task allotted by the Republic to the governor of Macedonia would have been a difficult one even if the military system had been more satisfactory, for he was responsible for the defence of an enormous area stretching from the Adriatic to the Black Sea. The tribes which gave most trouble lived in modern Serbia in the valley of the Morava: the Scordisci, who killed a Roman praetor in 119 B.C., appear as enemies of Rome till after the time of Sulla[1]. More than once armies had to penetrate as far as the Danube, and we read of fighting in the valley of the Maritza in what is now Bulgaria. The proconsul M. Lucullus in 72 B.C. even reached the shores of the Black Sea, where he captured some half-Greek towns. In spite of all the triumphs celebrated by Roman generals, the heart of the province was never safe. When Cicero's enemy, L. Calpurnius Piso, was governor in 57–55 B.C. three Thracian tribes reached Salonica itself. Here as elsewhere the cause of the trouble was threefold —the inadequacy of the garrison, the absence of a satisfactory frontier, and the shortness of the period during which the governor held office. The long command of C. Sentius Saturninus (92–88 B.C.) may be attributed to the conditions arising from the Social War in Italy: few of the other governors whose names we know remained more than two years in the province.

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[1] *in Pis.* 16, 38.

The military policy of Rome in Asia Minor is equally discreditable to the government of the Republic. The province of Asia was annexed in 133 B.C., and during the following years the trouble with Aristonicus necessitated the sending of consular armies. But after his defeat by Perperna (consul of 130 B.C.) and the organization of the province by Aquilius, the consul of the following year, no steps seem to have been taken to defend it against possible enemies. It was still hoped that what was necessary would be done by the client kings of Asia Minor, and, when the intrigues of Mithridates in Bithynia and Cappadocia began, Rome was as a rule content with diplomatic action. Sulla acted vigorously in Cappadocia in 92 B.C., but after his recall nothing was done to assert Roman authority. The result was the débâcle of 88 B.C., when Mithridates overran Asia and massacred 80,000 Italians. At this period the province seems to have contained practically no Italian troops, and the Roman representatives could do nothing with the Asiatic levies which they hurriedly raised. Rome's neglect to defend the life and property of her subjects in Asia seems little less than criminal: Mithridates had been giving trouble for many years, and his ability, his resources, and his ambition were well known. The exercise of a little foresight might have rendered the province of Asia safe from attack.

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[1] On the wars in this region prior to Sulla, see above, pp. 107 *sqq*.

The long and costly wars waged by Sulla, Lucullus, and Pompey need never have been fought had Rome on the annexation of her eastern provinces taken the steps which were afterwards taken by Augustus to defend her frontiers against barbarian assaults. The account which has been given above of the forces in Cilicia at the time of Cicero's governorship shows that even after the defeat of Mithridates this lesson had not been learned.

Further illustrations of the same point may be obtained from the study of the campaigns against Sertorius in Spain during the years 80–72 B.C. (pp. 320 *sqq.*). When he landed in the south of Spain and hastily collected a force of some 8000 men, only a small proportion of whom were armed with Roman weapons, he defeated without difficulty Fufidius, governor of Further Spain. Equal success attended the efforts of his colleague Hirtuleius against Calidius, governor of the other province, whose forces were so inadequate that he had to appeal for assistance to Manlius, governor of Gaul, who sent him three legions: these were however defeated and driven across the Pyrenees, where they were cut to pieces by the Aquitanians. It is clear that at this period the forces at the disposal of the governors of both Spanish provinces were far too weak. The result was that though the government realized the seriousness of the situation and sent out first Q. Caecilius Metellus and then Pompey, Sertorius and his colleagues were given time to organize resistance and to obtain control of the greater part of the peninsula. Metellus brought with him two legions, and Pompey a force of 30,000 infantry and 1000 cavalry; but these troops had been hurriedly raised, and, although they no doubt contained good material, it took some time before they could be transformed into efficient military instruments. Rome's two most competent generals required several years to deal with the rising, and the collapse of Sertorius was due less to the military superiority of his opponents than to the disloyalty of his own supporters. If the Spanish provinces had been sufficiently garrisoned in 80 B.C., he would not have been given time to collect and train the force by which Pompey and Metellus were so long baffled.

The career of Sertorius, whose army was largely composed of Spaniards, illustrates another weakness of the army system of the later Republic, its failure to make adequate use of the excellent material provided by the provinces. When the army was reorganized under the Principate, the burden of military service was borne to an increasing extent by provincials, so that by A.D. 21 the leaders of a Gallic revolt were able to declare that the only good troops in the Roman army were non-Italian[1]. With the extension of the citizenship to the provinces the legions came to be more and more recruited outside of Italy, and from the time of Augustus an attractive military career was offered to provincials who were enrolled in the *auxilia*. Eventually the task of defending the provinces was largely in the hands of men who regarded them as their home. The situation was very different under the Republic. Rome pursued different policies in Italy and in the provinces. Before the Social War her Italian allies were not taxed, but were expected to render military service, the burden of which became heavier as provinces were annexed and wars waged outside of Italy. On the other hand, provincials, who paid taxes to Rome, were practically disarmed. They did not serve in the army, although, as will be seen below, they might be called upon to provide ships, manned by themselves. Such provincials as served in the army of the Republic were specialist troops, archers, slingers, and especially cavalry. The Italian cavalry, which had never been good, practically disappeared by the end of the Republic. In the Social War we find Spanish cavalry, in Caesar's army Gallic and Spanish horsemen, and in the Jugurthine War Thracians and Numidians. These men, who were not always inhabitants of Roman provinces, served for pay, and were probably well satisfied with their conditions. The mass of the provincials, however, rendered no military service to Rome. The few who possessed the citizenship were eligible for the legions, but we have seen what was Cicero's opinion of this material in Cilicia. It was only at a great crisis that the rule was relaxed according to which every legionary was a Roman citizen. The discontent with Roman rule, about which Cicero is so frank, was such that it was considered unsafe to recruit and train provincials. The success of Sertorius must have opened the eyes of the government to the excellence of the material which it had neglected, but till the fall of the Republic the old system continued. During the civil wars heavy financial burdens were imposed on the provinces, but the legions were still composed mainly of Roman citizens, most of whom were of Italian birth. Nothing is more significant of the defects of the provincial government of this period than the fact that it was not considered safe to arm the provincials in defence of their own homes. When trouble arose, the garrison, if it existed, was generally inadequate, and it was necessary to rush troops from Italy which could not arrive till irreparable damage had been done, and which had to undertake long and costly operations in order to restore Roman authority.

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[1] Tacitus, *Ann.* III, 40.

If the measures taken by the Roman government of this period to provide the armies capable of defending the provinces were totally inadequate, even more serious criticism can be brought against its naval policy. In spite of the experience gained in the Punic Wars and in the Illyrian Wars of the second century B.C., Rome did not under the Republic possess a permanent fleet. Her fleets were improvised to meet an emergency to an even greater extent than her armies. After the fall of Carthage so little attention was paid to the navy that Sulla had scarcely any ships at his disposal when he had to face Mithridates and his fleet assessed at 400 sail. It took Lucullus two years to collect from the cities of the eastern Mediterranean the fleet which at last in 85 B.C. defeated the Pontic navy. The situation was much the same in the war which broke out in 74 B.C. Most of the enemy fleet had been destroyed by storm before it was possible for the Roman ships to enter the Black Sea and support the land operations. Rome's dealings with the pirates show the same incompetence until the matter was taken in hand by Pompey. An inscription which is probably to be dated about 100 B.C.[1] shows that at that time the weak kings of Cyprus, Egypt, Cyrene, and Syria were expected to do something to check their depredations. Two years before, a special force had been sent against them under M. Antonius, and in 74 B.C. an *imperium infinitum* was conferred on his son with the same object, but neither seems to have accomplished much. Until Pompey's operations in 67 B.C. it was not realized that a 'fleet in being' was necessary to secure the adequate policing of the Mediterranean.

The defects of the system are well illustrated by Cicero's racy account of the state of things in Sicily under the rule of Verres[2]. The cities of the island, even some of those which were free from tribute, were obliged to provide ships and a certain number of sailors as required by the governor. Verres insisted that the sums which were paid to the captains for expenses should be handed over to him, and in addition accepted bribes in return for exempting cities and individuals from naval service. The wretched squadron which was raised to oppose the pirates was put under an incompetent Syracusan with whose wife Verres had an intrigue, and, as might be expected, it was utterly defeated. Each province was evidently made responsible for its own naval defence. The squadrons were a heterogeneous collection of ships, and no arrangement seems to have been made to secure training or experienced leadership. Cicero's speech on behalf of Flaccus who governed Asia in 62 B.C. suggests that even after Pompey's operations the situation was not much better. It was made a complaint against this governor that he exacted from the cities of his province a sum of money for the provision of a fleet, as he was entitled to do, and it was suggested that this action was a slight to Pompey. Cicero has to make the obvious reflection that if the pirates were not troublesome, the reason was that a fleet existed to deal with them. Apparently it was left to the discretion of each governor to decide on his policy in this important matter. Q. Cicero, who followed Flaccus in Asia, considered that there was no need of a fleet. 'He thought that if at any time news were heard of pirates he could get together a fleet as quickly as he liked[1].' This passage shows how far the Roman authorities were even now from realizing the magnitude of the task of policing the Mediterranean, and there is ample evidence for a partial revival of piracy during the forty years which followed Pompey's great achievement. It was only under the Principate that trading voyages could be made in real security.

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[1] *S.E.G.* III, 378, B ll. 8–13; see H. Stuart Jones, *J.R.S.* XVI, 1926, pp. 155 *sqq.* See above, p. 351.

[2] II *in Verr.* V, 17, 42 *sqq.*

This recital shows that the later Republic dealt very inadequately with the military and naval problems raised by the annexation of provinces. At this period Roman generals and Roman soldiers were individually as efficient as under the Principate. It was the system that was at fault. Legions hurriedly raised and devoid of *esprit de corps* could not possibly be efficient, at any rate at the beginning of a war. Rome had still to establish a scientific frontier and provide it with protecting troops even at a time when danger seemed not to be imminent.

III. THE PROVINCIAL GOVERNOR

In the early days of Roman provincial administration, as has been seen, the government of Sicily or Sardinia was regarded as merely one of a variety of tasks which might be allotted to a magistrate during his year of office. In Rome, as in the city-states of Greece, there were few or no permanent officials, and all administrative duties were entrusted as far as possible to popularly elected magistrates. In fifth-century Athens it had been possible to re-elect the same man to a magistracy for an indefinite number of years, with the result that under Pericles the government was 'nominally a democracy, but really the rule of the leading man.' But in Rome such re-election was rare, and generally forbidden by law. Even in the crisis of the Hannibalic War the consulship was very seldom held in successive years, and the sequence of consulships held by Marius in 104–100 B.C., and by Cinna in 87–84 B.C., was quite unconstitutional. The conditions were thus very unfavourable to the creation of a class of experienced provincial governors: with the best will in the world not much could be done in a single year.

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[1] *pro Flacco*, 14, 33.

In practice, however, the provincial governors of the later Republic frequently retained their posts for several years. When Sicily, Sardinia, and Spain had been annexed, the number of the praetors was increased from two to six, but this policy was not followed when Macedonia, Africa, Asia, and Gaul were added to the Empire. Not until Sulla's dictatorship was the number raised to eight. The result was that after 148 B.C. it was impossible to provide the necessary number of governors from the magistrates of the year, and it was often necessary to retain a man in his province after his magistracy had expired. Among the early governors of Macedonia, to take one example, several seem to have remained two or even three years, and C. Sentius probably did so from 92 to 88 B.C. In the Ciceronian age three years seems to have been a very usual term: this was the length of the governorship of Verres in Sicily (74–71), of Servilius Isauricus (78–75) and Lentulus Spinther (56–53) in Cilicia, of Q. Cicero in Asia (61–58) and of Gabinius in Syria (57–54). If a serious war was on foot, the term of office might be even longer: thus Lucullus, who went to Asia Minor as consul in 74 B.C., remained till he was superseded by Pompey in 66.

Quite early in Roman history it had proved impossible to carry on the work of government efficiently without making use of ex-magistrates. The *prorogatio imperii*, first found in the Samnite Wars (vol. VII, p. 530), which made it possible to retain the services of a magistrate without violating the rule against re-election, proved invaluable during the struggle with Hannibal: in any year important duties were allotted to ex-magistrates as well as to men who were actually in office. The pro-magistracy possessed the practical advantage that it was not necessarily limited to a year, and thus the duration of an office of this character could be determined by the qualifications of its holder. Flamininus, who went to Macedonia as consul in 198 B.C., did his work so well that he retained his command till 194.

Thus long before the time of Sulla, to whom is often attributed the policy of sending only pro-magistrates to govern the provinces, it had been necessary to employ them for this purpose. In the 'Pirate Law' of about 100 B.C. (see p. 451) there are references to the 'consul or proconsul who may be sent to the province of Asia' and to the 'praetor or propraetor or proconsul' who will govern the province of Macedonia. The Lex Antonia de Termessibus (p. 896) speaks of the 'magistrate or pro-magistrate or legatus' who might be in command of Roman troops. Both before and after Sulla the representative of Rome in a province was often a pro-magistrate. The main difference probably is that, whereas in the pre-Sullan period a provincial governor normally began his period of office as consul or praetor, after Sulla it became usual for magistrates to spend their year of office in Italy and to proceed to their province after its expiration. But exceptions to this rule can be found. Marius governed Spain and Sentius Macedonia after their praetorships, and on the other hand Lucullus went to Asia Minor before his consulship had expired.

In spite of the growing importance of the pro-magistracy, it is worth noting how long the idea survived that the most important piece of work which had to be done in any year must be allotted to one of the consuls in office. During the twenty years beginning in 153 B.C. consuls were very frequently sent to Spain, usually as governors of the Nearer province. Scipio Aemilianus was elected consul in 147 B.C. in order to deal with Carthage, and again in 134 B.C. in order to finish the Numantine War. Between 120 and 110 B.C. we find a succession of consuls acting as governors of Macedonia, and in the following decade as governors of Gaul during the Cimbric War. It was as consul that Sulla went against Mithridates in 88 and Lucullus in 74.

This close connection between the magistracy and provincial administration was an unfortunate one, and led to many disasters. The consuls and praetors were elected often on purely political grounds by a popular assembly which was very unrepresentative and very corrupt. They were entitled to a province the administration of which might well call for qualities which they did not possess. The Senate, though it had some control of the provincial arrangements, was limited to magistrates in its choice of governors. The result was that important military commands, as those against the Teutoni and Cimbri, were entrusted to men who, even if the organization of the army had been more efficient, were quite incapable of undertaking them. At a crisis all the ordinary rules had to be suspended. As far back as 210 B.C., Scipio Africanus was sent to Spain though only twenty-five and of aedilician rank. In 134 B.C. Scipio Aemilianus was irregularly re-elected to the consulship as the only man who could deal with Numantia. Later examples are the re-election of Marius to the consulship for five years on end, and the extraordinary commands of Pompey against Sertorius, Mithridates, and the pirates.

This is perhaps the most significant feature of Pompey's career. None of the other great soldiers of the revolutionary period treated the annual magistracy with such disrespect. Marius, Sulla, Cinna and even Caesar took the consulship seriously and sought to be elected to the office. But Pompey's most important commands were granted to him when he was technically a private citizen. To him the only power worth having was a *proconsulare imperium*, if possible of unlimited duration, the holder of which was not hampered by a colleague. It is true that he was consul three times, but in 52 B.C. he held the office without a colleague. In that year he passed a law which had far-reaching results. In future an interval of five years was to elapse between a magistracy and a provincial command, so that the pro-magistracy was henceforth not merely an extension of the consulship or praetorship but a separate office. When Cicero went to Cilicia in the following year he was a private citizen of consular standing invested with proconsular *imperium*. Caesar, on whose position in Gaul this law had an unfavourable effect, complains that 'a new kind of command has been created: no longer, as always before, are men sent to the provinces after the consulship or praetorship, but after they have been chosen and approved by a clique' (*B.C.* I, 85). The ultimate result of Pompey's law was that a magistracy did not necessarily lead to a provincial command. Whatever may have been Pompey's immediate motives, his action was characteristic of a man who felt that provincial government called for experts and who was impatient of the working of popular institutions.

It has been noted above that the appointment to provincial governorships was to some extent in the hands of the Senate. But even before its power had been weakened by the Gracchan legislation, this body was very far from omnipotent. Not only was its choice limited to those who had been elected to a magistracy, but the allocation of provinces among the qualified candidates was largely determined by lot. The Senate might decide which provinces were to be consular and which praetorian, but it was usually left to the lot to decide which was to fall to each individual. Incredible as it may seem, the lot determined whether Flamininus or his colleague was to command in the war against Philip. The magistrates were sometimes allowed to make an amicable arrangement among themselves about the distribution of provinces, but only occasionally a province was allotted *extra sortem* to an individual. (See vol. VIII, p. 360.) The control exercised by the Senate in the second century B.C. concerned rather the length of the tenure of a provincial command than the appointment to it in the first place. Polybius notes that the Senate controlled the magistrates by its power of deciding whether or not a successor should be sent out; normally a governor retained his post till he was superseded.

By the law of C. Gracchus, which under ordinary circumstances regulated the appointment to provinces until Pompey's introduction of a new system in 52 B.C., the power of the Senate in this matter was considerably weakened (p. 63 *sq.*). Gracchus was not indeed prepared to transfer this delicate task to the popular assemblies, but he took steps to secure that the Senate should not exercise its power against its political opponents. After the passing of the Lex Sempronia de provinciis it was forced to decide before the election of consuls what their provinces were to be: it could not give undesirable posts to men of whom it disapproved. But the law did not deprive it of all influence. By making a province consular it could give notice to the governor that he would be superseded at a pretty definite date. Thus when Cicero delivered his speech on the Consular Provinces in the spring of 56 B.C. he urged that Syria and Macedonia, then governed by his enemies Gabinius and Piso, should be given to the consuls of 55, who under the existing system would go to them early in 54.

Though this particular law of C. Gracchus showed moderation, the effect of his legislation as a whole was to diminish the Senate's influence on provincial appointments. The popular assemblies, now conscious of their omnipotence, frequently in the post-Gracchan period interfered with the Senate's arrangements. Marius was in 107 B.C. given the African command by special decree of the people, and in 88 a *plebiscitum* was passed giving him the command against Mithridates, although he was at the time a private citizen. Later examples of similar procedure are the Lex Gabinia (67), the Lex Manilia (66), the Lex Vatinia (59), the Lex Clodia (58) which appointed Gabinius and Piso to Syria and Macedonia, and the Lex Trebonia (55). Of the author of the Lex Clodia Cicero says 'provincias consulares sine sorte nominatim dedisti[1]': such appointments may have been legal, but they were inconsistent with constitutional usage.

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[1] *de domo sua*, 9, 24.

Sulla has been credited with the wish to introduce a rigid system according to which each consul and praetor performed the duties of his magistracy in Italy and then went to a province for a single year; he did indeed raise the number of the praetors to eight, so that each year there were ten men (two ex-consuls and eight ex-praetors) available for the ten provinces more or less which then composed the Empire. This limitation of the term of provincial commands was a reactionary step which in practice proved unworkable. Between 80 and 70 B.C. we find only four governors of Macedonia, and, as was noted above, in the following period provincial commands lasting several years seem to be normal. Sulla's supposed calculations were upset by the annexation of Bithynia, Crete, Cyrene, and Syria. It is indeed more than possible that the policy described should not really be attributed to him. He did not repeal the Lex Sempronia, which continued to regulate the normal procedure. Though after his time it was rarely that a magistrate went to his province during his year of office, cases occurred in 74 and 67 B.C., and a passage of Cicero suggests that it was proposed to send the consuls of 51 against the Parthians[1].

The method of appointing provincial governors which has been described was not entirely without merits. If a man was doing good work, it was not difficult to prolong his governorship for several years. At a crisis it was always possible to suspend the ordinary procedure and appoint the essential man to a post. 'I need not remind you,' says Cicero in his speech in support of the Lex Manilia, 'that our ancestors were in peace time always guided by precedent and in war time by convenience; that they always adopted a new policy to meet a new situation; that two great wars in Africa and in Spain were brought to an end by one general and that two powerful cities, Carthage and Numantia, which threatened the existence of the Roman Empire, were both destroyed by Scipio. I need not mention that you and your fathers placed all your hopes for the Empire on C. Marius and entrusted him with the war against Jugurtha, against the Cimbri and against the Teutoni[2].' But on the whole the system was a faulty one and called for the revision which it underwent in the Principate. The connection between the ordinary magistracy and provincial appointments was too close. It was not fully enough recognized that to govern a province called for special qualifications, and the popular assemblies had too much influence on the appointment of governors. If the Senate was unduly suspicious of the brilliant man, his influence on the people was apt to be excessive. The problem was solved under the Principate, when the most important provinces were ruled by men who were personally selected by the Emperor, who were responsible to him and who were assisted by a body of knights and freedmen, comparable to the Civil Service which a new Viceroy finds in India. Such conditions made it possible for a class of professional governors to be created.

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[1] *ad fam.* VIII, 10, 2.

[2] *de imp. Cn. Pompei*, 20, 60.

In a letter which Cicero addressed to his brother Quintus, then proconsul of Asia, he contrasts the position of a provincial governor with that of a magistrate in Rome[1]. The latter is hampered on all sides by his colleagues, by the Senate, and by the popular assemblies; on the other hand, the provincial governor is almost omnipotent: the happiness of thousands depends on the nod of a single man. 'There is no appeal, no means of complaint, no Senate, no public meetings.' Cicero emphasizes the duty of the governor under those conditions to maintain a high moral standard. It is almost amusing to note the stress which he lays on the obvious virtues of *integritas* and *continentia*, and how he congratulates his brother on the exercise of common honesty. During three years, he says, he has not made use of his power to secure for himself pictures, clothing, precious vessels, or slaves. Unfortunately the system of appointment was such that Rome was often represented in the provinces by men whose standard of conduct was not so high.

While under the Principate a governor could be sure of finding in his province a considerable number of Roman officials, the situation was very different under the Republic. His very considerable staff came with him and went with him. The Senate allotted to him a number of *legati*, men of senatorial rank, the number of whom varied with the importance of the province: to them he could allot military duties and civil jurisdiction. Cicero describes them as *comites et adiutores negotiorum publicorum*. Next there was the quaestor, who was nominally responsible for the administration of the funds entrusted to the governor, of which he had to render an account at the end of his year of office. But he was young and inexperienced, was chosen by lot, and can rarely have been in a position to thwart his superior officer, to whom he was supposed to stand in a filial relation: occasionally he was considered qualified to act as his representative under the title of *quaestor pro praetore*. In addition to his legati and his quaestor, a governor was accompanied by a large number of men of all ranks who were commonly described as his *comites* and his *cohors praetoria*. Of these the most important were the praefecti, often relations of himself or his friends, and among the others were secretaries, attendants, doctors, soothsayers, and public criers. Cicero's letters to his brother make it clear that it was not always easy to keep them in order. When Caesar was preparing to march against Ariovistus, he was embarrassed by the panic which broke out among the 'tribunes of the soldiers, the prefects, and the others who had followed him from the city out of friendship and had no great experience of soldiering' (*B.G.* I, 39). The sum granted by the Senate to the governor at the time of the *ornatio provinciae* was supposed to be adequate for the support of his staff. Provision was made for the purchase of grain in the province at a fixed price: when this differed from the market price, devices were employed, as readers of the *Verrines* will remember, to make a settlement with the growers which generally gave less satisfaction to them than to the governor.

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[1] *ad Q.F.* I, I, 7, 22.

It would however be a great mistake to suppose that a provincial governor of the later Republic had quite a free hand and was *de iure* as well as *de facto* omnipotent. The length of his tenure of office was uncertain, and, if he were notoriously incompetent, his opponents in Rome would use their influence to have his province allotted as soon as possible to one of his successors in the magistracy. A law of Sulla required him to leave his province within thirty days of the arrival of his successor and return to the city, where he might well find himself in trouble. The Lex Calpurnia of 149 B.C. was only the first of a series of laws under which an ex-governor might be prosecuted on a charge of extortion, and though, as is shown in other chapters, the constitution of the courts before which the charge was tried was usually unsatisfactory, a really bad governor ran a fair chance of being condemned. The letters of Cicero from Cilicia are full of references to the Lex Julia of 59 B.C., which imposed many restrictions on the activities of himself and his subordinates. This law of Caesar's, which enumerated in 101 clauses offences which a governor could commit, remained in force even under the Principate. In this connection mention may be made of the law of Sulla against *maiestas*, which rendered liable to prosecution a governor who led an army out of his province, waged war without permission, or entered a client kingdom without having been specially authorized to do so (p. 297).

The hands of a governor were tied not merely by laws which were of general application, but by the *Lex Provinciae* of his own province. These charters, which were drawn up by a senatorial commission soon after annexation, provided the basis of the provincial organization. They stated the privileges enjoyed by certain cities and regulated local government in some detail. The Lex Pompeia of Bithynia, which was still in force when Pliny governed the province under Trajan, dealt with the age-limits for magistracies, the qualifications for membership of local senates, and the conditions under which local citizenship could be acquired. Similar matters were determined by the Lex Rupilia of Sicily, which laid down in detail the procedure to be adopted in lawsuits between citizens of the same city or of different cities, between Romans and natives, and between private individuals and public bodies. These provincial laws grouped the cities into *conventus*, in the leading city of which justice was administered by the governor. Though no doubt the charters of the various provinces contained some common features, they must have differed considerably. Conditions were very different, for example, in Sicily and Spain, and the Roman government could not have imposed a rigid uniformity, even if it had wished to do so.

Points which were not determined by the *Lex Provinciae* were settled by the edict which each governor issued on entering into office. Just as in Rome itself the legal system grew out of a succession of edicts issued by the city-praetors, so in the provinces the governor was not bound to take over as it stood the edict of his predecessor, but was entitled to introduce such modifications as he considered desirable. These modifications might or might not commend themselves to his successor, and thus there was gradually evolved a system of law based on experiment. In Cilicia, for example, where the provincial law seems to have been vague on the subject, Cicero conferred on the Greek cities by his edict an amount of autonomy to which they were not accustomed[1]. In drafting his edict he had been guided by the example of a successful governor of Asia, Q. Mucius Scaevola. The first part of it concerned the finances of the cities, the maximum rate of interest, and their relations with the *publicani*. In the second section he was concerned with private law, and specially mentions rules about inheritance, sales and bankruptcy. The third part of his edict was 'unwritten' and he states that he intended to be guided by the edicts of the city-praetor: it is interesting to see how the

[1] *ad Att.* VI, 1, 15.

principles of Roman law were gradually being extended to the provinces. Perhaps the most delicate subject with which the edict was concerned was the rate of interest, as this affected the publicani, whose relations with the governor will be discussed below[1].

The duties of a provincial governor were both military and judicial. Even in peaceful provinces there were enough troops to suppress disorder. 'Asia ought to realize,' writes Cicero to his brother, 'that our government has saved it from the horrors of foreign war and domestic discord, and that it ought not to complain of sacrificing part of its wealth to support a rule which has brought it permanent peace[2].' As was shown in the previous section, the boast that Rome protected her provinces from foreign invasion seems hardly justified; but even under the Republic she was fairly successful in policing them, and this is all that was required from most provincial governors.

The amount of judicial work expected of a governor probably varied considerably in the different provinces, for the extent to which cities enjoyed autonomy was determined by the *Lex Provinciae* and the governor's edict. But there is no doubt that all important cases, both civil and criminal, were decided by him with the assistance of a *consilium* consisting of Roman citizens resident in the province. It is probable that litigants often were glad to have their disputes settled by a judge who had some experience of Roman legal procedure. In the infliction of punishment the governor's power seems to have been practically unlimited, and we find no parallel under the Republic to the 'appeal to Caesar' with which we are familiar in the cases of St Paul and the Bithynian Christians. It was indeed possible for the Senate to instruct the consuls to summon the accused to Rome, but this procedure was rare and seems to have been confined to political cases. Verres frequently scourged, condemned to the mines, and even executed Roman citizens, and though Cicero in a famous passage speaks of the awful effects of this conduct on Roman prestige abroad, he does not actually assert that it was illegal[3].

IV. ADMINISTRATION AND TAXATION

In dealing with Roman provincial administration it becomes difficult to generalize, for, as has been so often remarked, the Romans, like the British, had an instinctive dislike of abstract principles, and preferred to apply common sense to the solution of each problem as it arose. Even under the Principate, when power was centralized in the hands of a single individual, and the work of administration was mainly entrusted to carefully selected officials, no attempt was made to introduce rigid uniformity. It was fully realized that the problem of government varied according to the political, social, and economic conditions of each province. Methods which might be applicable to the province of Asia, which was permeated by Greek civilization, would be inapplicable to Egypt, a land of absolutist traditions, or to Gaul or Britain, where tribal life still persisted, and where Greek and Latin alike were foreign languages. The secret of Rome's success as a governing power is to be found in her realization of this fact. If peace were maintained and taxes regularly paid, she cared little how her subjects were organized, what language they spoke, or what gods they worshipped. In time this patience had its reward, and a fairly homogeneous civilization penetrated even to the outposts of the Empire. Provincials came to realize the advantages which would be derived from the adoption of the Roman language and of Roman ways of life. Italy lost its privileged position, and the Empire was governed and administered largely by men of provincial birth.

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[1] See pp. 469 *sqq.*

[2] *ad Q.F.* I, I, II, 34.

[3] II *in Verr.* V, 61, 158 *sqq.*

In the period with which the present volume is concerned this ideal state of things was still far in the future. The process by which Rome was transformed from a city-state into the capital of an Empire had only just begun. It is indeed true that before the Social War her citizenship had been so widely extended that she had almost ceased to be a city-state in the Greek sense. But this extension of the citizenship even to Italians was viewed with some nervousness in conservative circles, where it must have been felt that it was bound to lead to a revolution in the system of government. Although after the revolt of the allies the franchise was conferred on the whole peninsula south of the Po, during the following period any further extension was strenuously opposed, and it was only in Caesar's dictatorship that the process began which was eventually to lead to the Romanization of the provinces and was to culminate in the edict of Caracalla, conferring citizenship on the whole Roman world.

While, as Aristotle points out, it was essential that the population of a city-state should be limited in number, there was no reason why it should not enter into alliances with other states of the same character. The Athenian Empire developed out of a confederation of cities in the face of a common danger, and the position of Rome in Italy during the period of the Punic Wars was not unlike that which had been occupied by Athens in Greece during the fifth century B.C. But Rome played the rôle of leading state in a confederation with greater skill than Athens. She respected the autonomy of her allies: she imposed no taxes on them and left them free to manage their internal affairs: all that she required of them was military assistance in time of war. The result was very satisfactory. The Italian confederation emerged successfully from the ordeal of the Hannibalic War, and when trouble arose the cause was not any wish to be independent of Rome, but a desire, which would have been almost unintelligible to the Greeks, for full incorporation in the leading state of the confederation. Such incorporation, it was realized, would not involve any serious loss of autonomy. Even states possessing the full Roman franchise, like Arpinum, the home of Cicero and Marius, had an active municipal life and a keen local patriotism. These cities were envied by their neighbours, who felt that if they could attain to a similar position they would lose nothing that mattered, and would gain all the advantages which the possession of Roman citizenship brought to cities and individuals.

It might have been expected that when Rome acquired provinces she would apply to them the principles of organization which were proving so successful in Italy. She might have conferred the citizenship on certain favoured communities and concluded alliances with the remainder on condition that they rendered military service. But for various reasons this policy was impossible, and it was probably not even contemplated. Although long before the end of the Republic a large number of individuals of provincial birth had obtained the Roman franchise as a personal honour (it was, for instance, granted to a whole squadron of Spanish cavalry in 89 B.C.[1]), there was a strong prejudice against the possession by provincial cities of the status of *colonia* or *municipium*. The proposal of C. Gracchus to found a colony on the site of Carthage was unpopular, and the settlement of a military colony at Narbo Martius in 118 B.C. is an almost unique example of a policy which was first adopted on a large scale by Caesar. At a time when the majority of the cities of Italy were not yet enfranchized, it was unlikely that Roman rights would be granted to provincial towns.

Again, as was noted in the section on Imperial defence, Rome was not at this period prepared to recruit her army freely from the provinces, of whose loyalty she was not without reason doubtful.

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[1] See C. Cichorius, *Römische Studien*, pp. 130 *sqq.* and the present writer in *J.R.S.* IX, 1919, pp. 95 *sqq.*

If the Republic had concluded with provincial cities and tribes alliances similar to those which existed in Italy, she would have demanded of them not tribute but military service. It was under such conditions that she recognized as 'friends and allies' the kings of regions like Numidia, Galatia, and Cappadocia which she was not yet prepared to annex, but in the provinces proper the situation was different. Rome undertook (very inefficiently, as has been shown) the task of protecting her provinces from invasion and from internal discord on condition that the inhabitants paid tribute. If then we find the word ally (*socius*) applied freely to provincials, it must be remembered that it was used in a very different sense from that which prevailed in Italy.

The fact is that in the period when the Roman state was acquiring provinces the conception of alliance with individual cities was beginning to be felt as an anachronism. It is true that during the Social War, as Cicero observes[1], there was a party in two Greek cities of Campania which preferred to the Roman franchise 'the liberty conferred by a treaty,' but such an attitude, if typically Greek, was quite out of date. The terms of a treaty which happens to survive between the 'people of Rome' and the 'people of Astypalaea,' a tiny island in the Aegean, are almost ludicrous. The two peoples promise to render to each other mutual assistance in war, and to refrain from assisting each other's enemies. 'The people of Astypalaea shall not publicly permit the enemies and opponents of the people of Rome to pass through its own territory or any territory which it controls so as to wage war against the people and subjects of Rome.... If anyone declare war against the people of Astypalaea, the people of Rome shall assist the people of Astypalaea. If anyone wage war unprovoked against the people of Astypalaea, the people of Rome shall come to its assistance in accordance with this treaty[2].' Rome was by this date (105 B.C.) far more than an ordinary city-state: she was becoming the capital of a nation, citizenship of which was a cherished privilege, and incorporation in which was an object of ambition for individuals and States.

None the less, there existed in the provinces a small number of communities, described as *civitates foederatae*, which stood in theory outside the provincial system and were bound to Rome by sworn alliances. Three such cities existed in Sicily during the rule of Verres, and a few more were to be found in other provinces. It is worth noting that among them were the famous Greek cities of Athens, Rhodes, and Massilia. The treaties concluded with those States bound them to have the same friends and enemies as Rome, and probably rendered them liable to provide naval, if not military, assistance; but on the other hand they were entirely independent of the authority of the governor, paid no taxes to Rome, and exercised full judicial control over their own citizens and probably, in civil cases at least, over Roman citizens resident in their territory. Almost equal privileges were enjoyed by another and larger group of states known as *civitates sine foedere liberae et immunes*. The position of these states was more precarious, depending as it did not on a sworn treaty but on a law or a decree of the Senate which could at any time be repealed. This status was conferred on many communities which had assisted Rome in war, *e.g.* on seven cities in Africa and many others in Asia Minor which had taken the Roman side in the wars against Antiochus or Mithridates (vol. VIII, pp. 231 *sqq.*, 484, and above, p. 394 *sq.*). The privileges involved in Libertas can be learned from an extant law dealing with Termessus in Pisidia[1]: they include self-government, freedom from land tax and the quartering of Roman troops, and the right to impose customs dues, subject to the exemption of representatives of Rome. A frequently mentioned privilege which probably belonged to free as well as to federate states was that of receiving exiles. Romans like Verres and Milo who were in danger of condemnation by a court could escape the consequences of their acts by taking up residence in Dyrrhachium, Massilia, or Thessalonica.

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[1] *pro Balbo*, 8, 21.

[2] *I.G.R.R.* IV, 1028.

The chief advantage possessed by these free and federate *civitates* was that they stood outside the provincial system and were not subject to the authority of the governor. That this was regarded as a great privilege is a reflection on the provincial government of the Republic, and it is worth noting that after the foundation of the Principate a complete change of standpoint is to be found. Within a hundred years of the prosecution of Verres the provincial cities which were best satisfied with their status were not those which were independent allies of Rome, but the *coloniae* and *municipia*, outlying portions of the imperial city and fully incorporated in it. This desire for incorporation which we find in Italy under the Republic was during the Principate felt in the provinces.

In what has been said it has been implied that in her relations with the provinces, as distinguished from the client kingdoms,

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[1] Bruns, *Fontes*⁷, 14; Dessau 38.

Rome made her arrangements not with the province as a whole, which had no means of corporate expression, but with the various communities which composed it, and which were enumerated in the *Lex Provinciae*. A province can be best described as an aggregate of States. In Italy, Rome had been accustomed to deal with individual cities, and this fact influenced her provincial policy. She preferred if possible to deal with cities of the familiar Graeco-Roman type, possessing their own magistrates, senates, and assemblies. Pompey's eastern settlement, for instance, was guided by the principle that hellenized and urbanized districts might safely be included in the Empire, while regions like Cappadocia, which had scarcely passed beyond the tribal stage, were left under client kings who recognized the suzerainty of Rome. It was worth while sacrificing a little tribute to escape from the burden of administering backward districts. But if it was absolutely necessary, Rome was prepared in the provinces, as in Italy, to recognize tribes as well as cities and to enter into arrangements with their authorities. This was notably the case in Spain, a region in which city life developed little before the Principate (vol. VIII, p. 307 *sq.*).

This fostering of local government in the provinces was due less to any theoretical attachment to the ideal of autonomy than to very practical considerations. The Republic possessed no Civil Service, and the handful of officials sent out from Rome could not possibly have performed its task without the assistance of the natives. It was therefore very desirable that these natives should be grouped in organized communities with whose representatives the government could enter into relations. The difference between the federate and free cities of a province and the remainder lay mainly in the fact that the latter were required to pay taxes. Their internal organization was very similar to that of the more privileged communities, and they possessed the usual organs of government. The amount of interference to which they were liable was determined by the charter of the province and by the edict of the governor for the time being. The governor was generally entitled to keep an eye on the finances of a city, and his consent was required for extraordinary expenditure on such objects as games, buildings, and embassies. In judicial matters the powers of the local magistrates were determined by the *Lex Provinciae*. Thus in Sicily elaborate arrangements for the settlement of disputes were laid down by the Lex Rupilia. Different procedure was adopted according as the litigants were Sicilians of the same or of different states, or according as they were provincials or Roman citizens: a claim made by a Sicilian on a Roman was to be settled by a Roman judge and *vice versa*. Certain cases had to be referred to a jury drawn from the so-called *conventus civium Romanorum*. Such Roman citizens as resided in provincial towns under the Republic, whether they were of Italian or of native stock, tended to organize themselves in clubs, much as Englishmen do now in foreign countries. These *conventus* were recognized by the government and given a certain status. Cicero makes it a grievance against Verres that in his choice of jurors he failed to respect the lawful privileges of resident Romans[1].

The general sketch which has been drawn of the principles of Roman provincial organization must be supplemented by a study of the separate provinces; for, as has been said, Rome at no period made a fetish of uniformity. A provincial charter introduced no revolutionary changes, and merely provided the machinery for the administration of justice and the collection of taxes. 'The very absence of organization,' it has been said, 'betrays the noble belief that the aggregate of States which formed a province was rather a confederated suzerainty than an integral part of an empire[2].'

Under the Republic and during the first three centuries of the Principate, what distinguished a province from Italy was that its inhabitants, with the exception of those who had been definitely granted exemption, were liable to direct taxation. The subjects of Rome had been accustomed to pay taxes to their previous rulers, and the existing system was usually taken over with little modification. In Sicily, for instance, Rome adopted the procedure which had been introduced by King Hiero, and in Macedonia she left things as she found them, merely reducing by half the sums which had been paid to the king (vol. vii, pp. 793 *sqq.*, viii, p. 273). There is no reason to think that her demands were excessive. In many provinces at certain periods the revenue can scarcely have been sufficient to cover the naval and military expenditure involved in annexation. Cicero[3] contrasts Asia with other provinces as being exceptional in providing a surplus. At the same time it cannot be denied that the extension of the empire brought considerable financial advantages to the inhabitants of Italy, who in the later days of the Republic were extremely lightly taxed. The only revenue which the state derived from Italy consisted of the proceeds of the harbour dues, of the public lands, and of a tax on the manumission of slaves. After 167 B.C. the *tributum*, which at an earlier time had been intermittently imposed on Roman citizens to meet the cost of wars, ceased to be raised.

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[1] ii *in Verr.* ii, 13, 34.

[2] A. H. J. Greenidge, *Roman Public Life*, p. 329.

[3] *de imp. Cn. Pompei*, 6, 14.

In a well-known passage Cicero states that there were two distinct principles on which provinces were taxed[1]. Either a fixed sum was imposed, which was regarded as a permanent war-indemnity, or the payment was variable, in which case the right of collecting it was let out by the censors to *publicani*. The best known example of the latter procedure was in Asia, where C. Gracchus introduced a system which brought great gain to the equestrian order (pp. 64 *sqq.*). In Sicily (vol. VII, pp. 793 *sqq.*) the tax, which was paid in kind, and varied with the yield of the harvest, was collected not by the great companies of Roman *publicani* but by individuals or companies who had secured the contract for collecting the tithe in particular districts. There is no reason why this system should have been a source of grievance if it had been efficiently administered and if the government had exercised sufficient control over the tax collectors.

It has been mentioned that in certain provinces at least taxation was originally regarded as a war-indemnity. As time passed this conception must have been modified and the view must have gained ground that the taxes were a contribution made by the provincials towards the maintenance of the *pax Romana*. 'Peace,' says a speaker in Tacitus, 'cannot be secured without armies: armies cannot exist without pay: and payment cannot be provided without taxation[2].' But only some of the provinces (*e.g.* Spain, Africa, Macedonia) were conquered in war, and it was impossible to treat taxation as a war-indemnity in regions like Asia, Bithynia, and Cyrene, which were left to Rome by the wills of their previous rulers. Thus we find even under the Republic the beginnings of a theory, which was formulated definitely by the lawyers of the Principate, that provincial land was the property of the Roman State, for the use of which a payment must be made by the occupiers, whatever their legal status, unless they had received definite exemption. It is indeed improbable that the view that taxation was of the nature of rent was consciously accepted in the period with which this volume is concerned. A sharp distinction was certainly drawn between those districts within a province which were *ager publicus populi Romani* and those which were not. Ownership of provincial land was possible for Roman citizens, and as late as Augustus we find the government paying for land in the provinces on which it wished to settle colonists. At the same time the highhanded methods employed by Sulla and Caesar in dealing with provincial land must have prepared the way for the acceptance of the view that such land was absolutely at the disposal of the Roman State[1].

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[1] II *in Verr.* III, 6, 12.

[2] Tacitus, *Hist.* IV, 74.

The fact that in Asia and Sicily the tax was a tithe of the crops suggests that even in the provinces where a fixed sum was exacted the primary object of taxation was the land. It cannot be definitely asserted that the distinction familiar under the Principate between *Tributum Soli* and *Tributum Capitis* (property-tax) was known to the Republic. The references to the census which was periodically taken by the magistrates of provincial towns suggest that it was concerned primarily with the owners of land. At the same time it seems so improbable that wealthy men who were not landowners escaped taxation, that we must suppose that the local authorities were given some discretion in the allocation among individuals of the quota owing to the Roman government.

Although in the provinces which paid a fixed stipendium there was no need for the intervention of *publicani* between the governor's quaestor and the communities, there was probably no province in which they were not to be found—Cicero speaks of their presence in Asia, Spain, Macedonia, Gaul, Africa, Sardinia, and Italy itself. The explanation is that, even if the direct taxes could be collected otherwise, they were indispensable for the collection of the harbour dues, the tax on pasturage, the revenues of the public lands, and for the working of the mines, which were almost everywhere regarded as State-property.

In other chapters attention has been drawn to the political aspect of the rôle played by the *publicani* in provincial administration, especially after the equestrian order had acquired by the Gracchan legislation an important series of privileges (pp. 64 *sqq.*, 75 *sqq.*). It is notorious that in the last century of the Republic no governor could deal firmly with the *publicani* without running the risk of offending the equites, who at most periods possessed great influence in the jury-courts. Here it must be enough to say that the employment of contractors for the collection of revenue was, if undesirable, quite inevitable. The method had been practised in Athens and no doubt in other Greek states. The mines of Laurium were worked and the dues at the Piraeus collected by men who paid the Athenian government for the privilege. Even in the Hellenistic monarchies revenue was collected not by salaried public servants but by individuals or companies who derived some profit therefrom. But in Ptolemaic Egypt, at least, such strict control was exercised over their activities by representatives of the government that the duty was probably regarded as a burden rather than as a source of profit.

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[1] See Tenney Frank, '*Dominium in Solo Provinciali*' *and* '*Ager Publicus*, in *J.R.S.* XVII, 1927, pp. 141 *sqq.*

In the Roman Republic the absence of paid officials rendered necessary the employment of contractors. During the Hannibalic War, *publicani* provided food and clothing for the armies in Spain. In his account of Roman institutions in the second century B.C. Polybius emphasizes the number and variety of the public contracts which were controlled by the Senate: 'almost everyone,' he says, was affected by the terms on which these contracts were granted (see vol. VIII, p. 382 *sq.*). The State naturally required guarantees for the fulfilment of a contract, and thus found it convenient to deal not with individuals but with companies possessing accumulated capital. The result was that we find in the later Republic great organizations with their headquarters in Rome and with agents in the provinces. The *magister* (chairman) and no doubt most of the *socii* lived in Rome, and were represented abroad by men who bore the title of *pro magistro*, and had a considerable staff at their disposal. It seems probable that these companies possessed what may be described as a class of shareholders. Certainly large sums were invested in the province of Asia, and in a striking passage of the speech which he delivered in support of the appointment of Pompey against Mithridates, Cicero states that the disastrous invasion of the province in 88 B.C. brought ruin on many. 'We know that at a time when many had incurred great losses in Asia payment was stopped in Rome and credit collapsed. It is impossible for many members of a community to be ruined without dragging many others down with them[1].'

If we may judge by what happened in the province of Sicily, about which we happen to be well informed, the system of entrusting to contractors the collection of a tithe was, in the absence of strict control by the governor, open to very serious objection. It was in the interests of the government to accept the highest offer, and although in strict law the farmer was not bound to hand over more than a tithe of his crop together with 6 per cent., which represented the legitimate profit of the collector, it was almost inevitable that more should be demanded if the latter found that he had made a bad bargain. It is indeed probable that he was entitled to ask for an *accessio* in cash in addition to the tithe, and under the rule of Verres these *accessiones* amounted to enormous sums.

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[1] *de imp. Cn. Pompei*, 7, 19.

In the provinces of Syria and Cilicia, and probably elsewhere, the *publicani* entered into agreements (*pactiones*) with the individual communities[1]. This represents a compromise between the system under which they came into direct touch with the taxpayer and the other which dispensed with their services altogether, and made the authorities of each city responsible for the payment of its quota. The gains of the *publicani* were increased by the practice of moneylending: they advanced, often at extortionate rates of interest, the sums which provincial communities owed to the government. Not only companies but individuals found it very profitable to lend money to the provincials. Readers of Cicero's letters will remember Scaptius, the agent of the philosophic Brutus, who tried to persuade him when governor of Cilicia to employ force in order to compel the people of Salamis in Cyprus to pay interest at the rate of 48 per cent. In this, as in other matters, the Senate was well aware of what was happening. In 67 B.C. a Lex Gabinia forbade the lending of money to provincials in Rome, and every governor was entitled to determine by his edict the rate of interest which might be enforced. But it proved impossible to enforce the law, and Cicero was not the only governor who found it difficult to be firm when confronted with the representatives of powerful interests.

There is, however, no reason to think that the Republic imposed excessive financial burdens on its subjects. Macedonia was probably not the only province from which less was demanded than had previously been paid. Much of the money raised was spent on the defence of the province itself, so that it was possible to maintain that Roman rule brought peace in its train. Some attempt was made to equalize the burden of taxation. Immunity was granted to only a few communities, and Roman citizenship did not carry with it any important financial advantages. The moderate dues charged on imports and exports were justified by the care devoted to the upkeep of the harbours. Even the *publicani* were no novelty and were not dispensed with even when the Principate introduced better conditions. If on the whole the system worked badly, the reason, as was said above, must be found partly in the inexperience of the governors and partly in the weakness of the central government.

[1] See *e.g.* Cicero, *ad Att.* v, 13, 1; *de prov. cons.* 5, 10.

V. CONCLUSION

In the reign of Nero it was reported in Rome that a certain influential Cretan had been heard to say that it depended on him whether a retiring governor was to receive or not the thanks of the province. When the matter came up in the Senate, the Stoic Paetus Thrasea, a well-known *laudator temporis acti*, delivered a speech against what he calls 'the new insolence of the provincials.' 'Formerly,' he said, 'not only praetors and consuls but private persons were sent to inspect provinces and to report what they thought about each man's loyalty, and whole peoples trembled to hear the opinion of an individual. But now we court our subjects and flatter them, and just as a vote of thanks is granted at anyone's pleasure, so even more eagerly is a prosecution decided on[1].'

Thrasea's words express well the opinion which a later generation held of Republican methods of provincial administration, and enough has been said to show that they state the facts correctly. In spite of much legislation in the interests of the provincials, the welfare of a province depended unduly on the personal character of its governor, and, as has been shown, upright behaviour on the part of a governor, if it brought him popularity in his province, was likely to make him enemies in Rome. At a period when the standard of political morality was low, few of Rome's representatives abroad were able to make the welfare of the governed their first consideration. And if Rome was unpopular in the provinces, the governors were not the only people who were to blame. To say nothing of the tax collectors, every province was full of business men (*negotiatores*) who were more concerned with money-lending than with regular trade. 'No Gaul', says Cicero in a speech delivered in 69 B.C., 'carries through any business without the intervention of a Roman citizen: not a penny changes hands in Gaul without passing through ledgers kept by Roman citizens[2].' Not many years later one of these Gallic *negotiatores*, P. Umbrenus, tried to persuade the Allobroges to make common cause with Catiline in his campaign for the abolition of debt.

The comparatively few Roman citizens who were resident in the provinces in the period which we are discussing enjoyed undue consideration. It was fairly easy for any senator who wished to visit the provinces to obtain what was known as a *legatio libera*, conferring on him the status of an ambassador of Rome with the right to make burdensome demands on the inhabitants. Cicero secured in 63 B.C. the passing of a law limiting these privileges

[1] Tacitus, *Ann.* xv, 21.

[2] *pro Fonteio*, 5, 11.

to one year, and further restrictions were imposed by Caesar, but the institution was too popular with members of the senatorial class to make its abolition possible. Romans were normally regarded in the provinces as foreigners, and provincials who had obtained the citizenship as instruments of an alien rule. 'If any Roman governor,' says Cicero, 'is led to restrain himself by respect for principle, no one gives him credit for integrity because of the crowd of self-seekers who surround him. It is impossible to find words to express the hatred with which we are regarded by foreign peoples because of the greed and violence of those who in recent years have been sent by us to command armies among them. Do you imagine that any temple in these lands has been regarded as holy, any city as worthy of respect, any private house as safe from attack? No one is fit to be sent to the war against Mithridates who is not able to keep his hands, his eyes and his thoughts off the money of our allies, their wives and children, and the treasures contained in their temples and cities[1].'

It would not however be fair to the Roman Republic to end on this note. Cicero was not the only senator who had a conscience. The senatorial class as a whole was well aware of the difficulty of the problem, and it was probably for this reason that it was normally opposed to annexation. It was well informed about what was going on in the provinces. Governors were expected to send to the Senate and magistrates despatches containing an account of their doings, in which they were allowed to give free expression to their complaints and criticisms[2]. These despatches were not pigeonholed in the archives of a Foreign Office, but were widely read.

Again, the right of provincials to send embassies to Rome was fully recognized. Representatives of all the cities of Sicily but two asked Cicero to undertake the prosecution of Verres. During the month of February the hearing of embassies from the provinces and foreign kings had precedence over all other business in the Senate. Although regular provincial assemblies first make their appearance under the Principate, even under the Republic the representatives of cities could express the wishes of the province as a whole. The sending of these embassies was so popular that governors had sometimes to discourage them in the interests of economy.

Finally, it must not be forgotten that leading men and leading families in Rome watched over the interests of particular provinces and cities. Thus the Marcelli were *patroni* of Sicily, which had been conquered by their ancestor. The Fabii were interested in Transalpine Gaul, and the family of Cato in Spain. Marius was patron of Gaetulians whom he had conquered in the Jugurthan War. Cicero frequently mentions the interest felt by public men in particular cities, especially in the province of Asia.

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[1] *de imp. Cn. Pompei*, 22, 64.

[2] See above, p. 446 *sq.*

It is therefore quite possible to pass too severe a judgment on the way in which Republican Rome dealt with this very difficult problem. Most of our evidence is derived from speeches delivered in the law-courts, and it would not be fair to treat the careers of Verres and Piso as typical. Many governors, such as Rutilius Rufus[1], were able to gain the confidence and affection of their subjects, and Lucullus was not the only man who took a strong stand against the financial interests. Romans were not fond of fine phrases, and it is therefore significant that Cicero is able to state as a platitude that it is the first duty of a governor to aim at the happiness of the governed[2]. When Augustus remodelled the system of provincial government, he had no need to introduce revolutionary changes. Little more was wanted than to enforce the laws passed under the Republic, to connect provincial government more closely with the task of frontier defence, and to see that Rome was represented in the provinces not by well-meaning amateurs but by men possessing knowledge and experience.

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[1] On the legal position and career of Rutilius see above, p. 175 *sq*.

[2] *E.g. ad Q.F.* I, I, 8, 24.

CHAPTER XI

ROME IN THE ABSENCE OF POMPEY

I. THE FIRST CATILINARIAN CONSPIRACY

WHEN Pompey was invested with his commands against the pirates and King Mithridates, the political destiny of Rome was transferred from the Forum and the Senate House to his camp. During his absence the dominant issue in Roman affairs was whether he would return to destroy the Republic or to give it a new lease of life. Hence the conflicts which meantime opened in the city were waged under the shadow of his home-coming. But this did not make the battle any the more cool: indeed in domestic politics the period was one of continual storm and stress.

After Pompey's departure the senatorial aristocracy retaliated upon his agents with a counter-attack in the courts of law, where its influence remained strong despite the legislation of 70 B.C. Gabinius escaped prosecution by following Pompey to the East. But a fellow-tribune named C. Cornelius, who had given offence by his measures against jobbery in the Senate and in the praetors' courts (p. 342 *sq.*), was indicted on the conveniently vague charge of 'maiestas' ('contempt of the government'); and Manilius, the henchman of Pompey (p. 348 *sq.*), was implicated in two successive trials for 'res repetundae' (extortion) and 'maiestas' (66–5 B.C.)[1].

Note. By far the most valuable source for the period covered by this and the following chapter consists in the Letters of Cicero. Down to 61 B.C. the flow of his surviving correspondence is slender; from that point its volume grows much larger. Next in order of importance come the Speeches of Cicero, which were particularly plentiful in the year of his consulate. The Commentaries of Asconius and of an anonymous editor known as the 'Scholiast of Bobbio' on the Orations of Cicero, contain excellent historical notes. The *Bellum Catilinae* of Sallust adds little to what is contained in Cicero and is full of errors (p. 889 *sq.*). Suetonius' Life of Caesar is a rich quarry of raw materials. Among the Greek writers Dio Cassius is the most useful; his account goes into considerable detail and provides accurate dates. Plutarch's Lives of Cato Minor, Caesar, Cicero, Crassus and Pompey are of various degrees of historical interest; those of Cato and Cicero are the most important for this period. Appian's *Bella Civilia* is of less value than for the preceding and the following years. See further below, pp. 882 *sqq.*

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[1] For a detailed discussion of the circumstances of Manilius' trials, see especially, C. John, *Die Entstehungsgeschichte der catilinarischen Verschwörung*, p. 712–3 n.

These senatorial reprisals did not involve any personage of importance; but they raised the political temperature and led to repeated outbreaks of mob violence. Indeed proceedings against both culprits had to be postponed until a special police force had been enrolled to protect the courts.

A more serious danger than these spasmodic attempts at intimidation arose from an organized plot by discontented aristocrats, the First Catilinarian Conspiracy. This movement was an after-effect of the consular elections for 65 B.C., which left three disappointed competitors with a sense of personal grievance. Two candidates, P. Autronius Paetus and P. Cornelius Sulla (a nephew of the dictator), had stood at the head of the poll, but had been found guilty of bribery under the Lex Calpurnia of 67 B.C. (p. 344), which deprived them alike of their consulships and of their seats in the Senate. A third applicant, L. Sergius Catilina, had not even been admitted to the contest. As this last-named personage will claim much of our attention in this chapter, he requires a few words of introduction.

Catiline was a scion of a decayed patrician family whose tarnished lustre he was firmly set on reviving. As an officer of Sulla in the Civil Wars he had borne himself gallantly, and to many who merely noted his iron constitution and his devil-may-care spirit he appeared a fine type of man. But with this soldierly bearing he combined spendthrift habits and a reckless disregard of human life. In the attractiveness of his outward manner he might compare with Sir Robert Catesby, but his blind instinct of violence degraded him to the level of a Thistlewood. After the Civil Wars Catiline acted as one of Sulla's chief agents in the proscriptions, and rumours, perhaps unfounded but not unnatural, ascribed to his helping hand a series of premature deceases in his own family. For his services to Sulla Catiline received no political reward; but at the purgation of the Senate in 70 B.C. the censors turned a blind eye on his conspicuous record, and in 68 he rose to the praetorship. As propraetor of Africa in 67–6 he caused complaints loud enough to draw remonstrances from the Senate, and on his return to Rome in the summer of 66 he was promptly marked down for prosecution on a charge of extortion. It was probably on account of this impending trial that the consul Volcacius Tullus, who presided over the elections, took counsel with some leading senators and refused to accept his name as a candidate. In so doing the returning officer was acting within his powers; but since at the moment a formal indictment had not yet been presented against

Catiline, his disqualification was not absolute, but depended on the consul's discretion[1]. Volcacius' decision therefore might well appear unfair and arbitrary to the rejected applicant.

The three aggrieved men agreed to seek revenge by murdering the two rival candidates who had slipped in at the supplementary elections, together with a number of personal enemies in the Senate, among whom Volcacius and his advisers were no doubt included. Their plan was to make a sudden assault upon their victims on the first day of 65 B.C., when the incoming consuls would be meeting the Senate on the Capitol, and to seize the fasces of the murdered couple on behalf of Autronius and Sulla. These self-constituted consuls would then repay Catiline for his services by impeding his prosecution and facilitating his candidature for the consulship of 64 B.C. The plot also included a few subordinate members whose motive for participation probably was financial embarrassment. The most notable of these was a dissolute young man named Cn. Calpurnius Piso. According to the historian Sallust[2], it was part of the scheme to procure for Piso the governorship of the two Spains. While this possibility cannot be denied, it is more likely that the mission of Piso to Spain was an afterthought, and was planned by a bigger brain for a more ambitious purpose, which we shall presently discuss. Among the three ringleaders Sulla, who possessed more money than enterprise, probably confined himself to the part of paymaster. Autronius, who was a born rioter and at his recent trial had attempted to disperse the court with a band of gladiators, no doubt cast himself for a more active rôle. But in the subsequent conspiracy of 63 B.C. he was not even second in command. It is therefore more likely that in the present plot he merely followed in the wake of Catiline, in whom we may see the real leader of the movement.

At best the First Catilinarian Conspiracy was a harebrained scheme. It was naïvely optimistic to hope that the Senate, with all the resources of Italy and several experienced generals at its disposal, would tamely acquiesce in the murder of its members by a mere handful of cut-throats with no wider following. But the plotters did not even take the elementary precaution of secrecy. On New Year's Eve Catiline was observed to be making overt preparations for some kind of foul play; the Senate summarily empowered the two incoming consuls to improvise a bodyguard, and on the following day they appeared with an escort sufficient to deter the assassins from making a move. According to Sallust[1] the plotters merely postponed their attack until a later session of the Senate on February 5th; but the reticence of Cicero on this point is almost conclusive against this view. However this may be, the threatened consuls outlived their year of office.

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[1] On the question of Catiline's first *professio* for the consulship, see especially E. v. Stern, *Catilina*, pp. 31–42.

[2] *Cat.* 18, 5.

II. THE INTRIGUES OF CRASSUS FOR A FOREIGN COMMAND

The rashness of the conspirators in inviting detection was matched by their luck in escaping punishment. The Senate held an inquiry into the affair, and despite the nonchalant attitude of one of the threatened consuls, L. Manlius Torquatus, who pooh-poohed its suspicions as being based on mere rumour, it should have had no difficulty in collecting enough evidence to justify proceedings; but in deference to a tribune's veto it hastily abandoned its researches. But this was not the full measure of the plotters' good fortune. Not content to forgive and forget, the Senate promoted Piso to be governor of Nearer Spain with the title of 'quaestor pro praetore.' In view of Piso's lack of experience, to say nothing of his reputation, it cannot be supposed that the Senate selected him in the belief that he was the best man available, nor yet, as some ancient writers have suggested, because it was afraid of him[2]. We are thus driven back upon the explanation furnished by Sallust[3], that the Senate was acting under pressure from M. Crassus.

Of all politicians in Rome who looked forward with anxiety to Pompey's return, Crassus believed himself to have most reason for alarm. If Pompey's home-coming from a Mithridatic war, like Sulla's, should be made an occasion for reprisals upon domestic enemies, might not his head be the first to fall? Under this menace Crassus directed his restless energy to the throwing up of outworks in all directions against Pompey's anticipated attack. The defensive preparations of Crassus in the years from 65 to 63 were the most important, though not the most sensational, event in the history of that period.

Crassus' first line of defence lay in a provincial command, in which he might hope to establish a power to match that of Pompey. Among the available provinces Spain was known to him by personal acquaintance, for under the Marian terror he had taken refuge there; and the difficulties which it presented to invading armies had recently been illustrated in the Sertorian War, when Pompey nearly buried his reputation there (pp. 321 *sqq.*). Therefore, when Providence early in 65 B.C. offered a vacancy in Nearer Spain, Crassus snatched at his opportunity. Nevertheless, policy and personal habit alike prompted him not to show his hand openly, but to work through agents who might at need be repudiated. Such underlings he always knew how to procure, for he made a regular practice of attracting broken or compromised men to his service, and in 65 B.C. the fiasco of the First Catilinarian Conspiracy gave him a muddied pool to fish in. Nay more, the means of landing his fish lay ready to his hand. In the Senate Crassus always exercised considerable influence, for he had many of its members in his pocket; and in 65 B.C. his hold on that assembly was strengthened by his recent election to a censorship, which gave him power to expel inconvenient senators. Thus the mystery of the *dénouement* to the First Catilinarian Plot is resolved. Crassus, so we may conclude, put pressure upon the Senate to hush up Catiline's plot and to give unmerited preferment to Piso; the object of his intrigue was to acquire control of Spain through Piso's agency.

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[1] *Cat.* 18, 6.
[2] *Ib.* 19, 2.
[3] *Ib.* 17, 7; 19, 1.

The patronage exercised by Crassus on behalf of Piso and his partners has given rise to a confident suspicion that he was their accomplice from the outset. Some ancient authors went so far as to assert that the purpose of the conspiracy was not to find consulships for Autronius and Sulla, but a dictatorship for Crassus[1]. If this was so, the First Catilinarian Plot was a movement of far greater importance than we have indicated. But the writers who thus incriminated Crassus were mostly his political opponents, and their story, even if supported by better authority, would be difficult to accept. Though Crassus no doubt was unscrupulous enough, he was certainly not deficient in subtlety, and it does him injustice to suppose that he would have countenanced, let alone planned, a crime that would defeat its own purpose. To say nothing of the absurdity of reviving a discredited office like that of dictator, for Crassus to usurp power by open murder would have been playing into Pompey's hands: it would have furnished Pompey with a valid excuse for attacking him, as Sulla attacked Carbo, and it would have left him without such shreds of moral authority to mobilize Italy in self-defence as Carbo possessed. In all probability, Crassus was neither the author of the First Catilinarian Conspiracy nor an accomplice; his part in it was merely to shield the culprits after its exposure, so as to use them for his own ends.

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[1] Suet. *Div. Iul.* 9, citing the annalist Tanusius, the edicts of Bibulus, and a speech of the elder Curio.

If Crassus did not originate the First Catilinarian Plot, at any rate he made a clear gain out of it. But the fish which he landed was spoilt in the cooking. In selecting a novice like Piso for his instrument Crassus no doubt guarded against immediate detection by Pompey. On the other hand, he invited the risk of failure through the incompetence of his untried assistant. On his arrival in Spain, Piso, whose head had been turned by his good fortune, proved no Sertorius, and instead of conciliating the natives insulted them. For these affronts to Castilian pride he presently paid with his life (late in 65 or early in 64), and thus lost Spain for Crassus. It has, indeed, been supposed that Crassus made an attempt to replace Piso by a half-ruined speculator named P. Sittius, who went to Further Spain in 64 B.C. with an empty purse, and subsequently became a leader of armed bands in Mauretania. But there is no adequate reason for doubting Cicero's assurances that Sittius' interests in Spain were purely commercial[1]. Crassus made no attempt to recover the control of Spain after the death of Piso.

But Crassus did not wait for the loss of Spain before he laid plans for the acquisition of an alternative province in Egypt. As a bulwark against Pompey, this country had an ideal position. Situated on Pompey's flank, it could not safely be ignored by him; yet a resolute defender might hold it against greatly superior forces, as several of Alexander's marshals and successors had found to their cost. A pretext for interference in Egypt lay to hand in the uncertain title by which the reigning king, Ptolemy Auletes, held his throne, and in the existence of a will, presumably spurious but never proved false, under which his predecessor, Ptolemy Alexander II, had bequeathed his realm to the Roman People (see p. 390). Moreover, as a bait to the Roman People to take up its legacy, it was easy to point out that the Ptolemies possessed the largest treasure in the Mediterranean world, and that the surplus grain of Egypt might readily be diverted to the Roman market. To all appearances, then, the bill for the annexation of Egypt which Crassus brought before the Concilium Plebis by means of some friendly tribune had every prospect of success. None the less, it was rejected. This strange rebuff to Crassus was partly due to the opposition of the more resolute nobles under the leadership of Q. Catulus, who upheld the Senate's habitual policy of non-interference in Egypt; but we may believe that the chief credit for it belongs to Cicero. Of this adversary it will be sufficient to say for the present that he considered himself to hold a watching brief for Pompey, and that on more than one occasion he exposed the hidden purpose of Crassus' intrigues against him. Though the extant fragments of his speech *De Rege Alexandrino* are not sufficient to reveal the complete thread of his argument, yet they show clearly enough that it was directed against Crassus' policy of annexation. The rejection of the Egyptian bill was the first and perhaps the most important of the series of victories which Cicero gained over Crassus in these three years.

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[1] *pro Sulla*, 20, 56–9.

III. THE CONSULAR ELECTIONS FOR 63 B.C.

Anticipating the risk of failure in the provinces, Crassus had set about to fit other strings to his bow. In his capacity as censor for the year 65 B.C. he made a bid for the support of the inhabitants of Transpadane Gaul. By a curious anomaly these had not received the full Roman franchise in 89 B.C., but had been put off with the inferior 'Latin' status (p. 196). Crassus now proposed to inscribe them on the censors' burgess-roll. This method of enfranchisement by a mere stroke of the pen would have been invalid even if Crassus' colleague had agreed to it; but the other censor, Q. Catulus, took his usual line of opposition to any change: indeed, he thwarted Crassus with such persistence that not only the burgess-list but also the roll of senators remained unrevised during their term of office. Since Crassus could hardly have failed to foresee this deadlock, his move on behalf of the Transpadanes was plainly no more than a manifesto. But his mere gesture of goodwill was significant, for Crassus did not bestow friendship but invested it for the sake of dividends. His interest in the Transpadanes may be explained in part by their potential voting power. But in view of their great distance from Rome, which would prevent their regular attendance at the Comitia, their vote could hardly have been a decisive consideration. The importance of Transpadane Gaul lay rather in the fact that it was becoming the chief recruiting ground for the Roman armies. Presumably, therefore, the main object of Crassus' manifesto was to secure the military support of the Transpadanes, as Carbo in the civil war against Sulla had won that of the Samnites (pp. 270 *sqq.*). It is probable that a detachment of stalwarts at once came from beyond the Po to Rome to place their strong arms at Crassus' disposal, for in 64 B.C. the Senate found it necessary to expel all Transpadanes then residing in the city. This purgation of Rome was accomplished by means of a tribunician law (the Lex Papia), which made all non-citizens liable to eviction but in practice was mainly directed at the unenfranchised residue of Italians.

In 64 B.C. the duel between Crassus and Cicero, which had opened in the previous year over the Egyptian question, was transferred to the field of the consular elections. Though no less than seven candidates entered, only three were in the running. One of these, Catiline, had been kept waiting for two years before he could secure nomination. The trial for extortion, which in 66 had been deemed too imminent to allow of his candidature, was not actually held until 65, and did not end in time for him to take part in the elections of that year. But if the case had dragged on to an exasperating length, there was never much doubt of its issue. The evidence from Africa, it is true, was extremely damning, but the jury turned a deaf ear to it. According to the usual practice by which the members of the nobility helped each other out in the courts, Catiline's defence was undertaken by the consul Torquatus (who affected to believe that extortion was as foreign as homicide to the defendant's nature) and by other senators of high standing. Better still, the prosecutor P. Clodius opened his perverse political career by a suicidal complaisance in the selection and rejection of jurors. Thus Catiline cleared himself in time for the polls of summer 64 B.C.

Once admitted to the canvass, Catiline bribed on a scale which obviously exceeded his own means. Evidently he was receiving subsidies from some wealthy wire-puller, and we need not hesitate to accept the belief then current that his paymaster was Crassus. In 65 Crassus had done Catiline a good turn in saving him from the consequences of his murder plot; and in view of his later connection with Clodius it is not unlikely that he had a hand in the preconcerted failure of Catiline's prosecution. It would appear, then, that Crassus was at considerable pains to facilitate Catiline's candidature at the elections of 64. But what manner of service did Crassus expect from Catiline in return? For legislation Crassus might confidently reckon on finding a more suitable instrument among the tribunes. We may therefore assume that the part which he reserved for Catiline was military: with or without the sanction of the Senate, Catiline could safely be trusted to make resolute use of his consular authority in an emergency mobilization of Italy. It appears, then, that in supporting Catiline's candidature for the consulship of 63 Crassus was taking precautions against the chance of Pompey's home-coming in that year.

According to a common electoral practice Catiline allied himself with another candidate, C. Antonius, who also was in Crassus' pay. Though of distinguished family—he was a son of the orator

M. Antonius and a brother of the admiral M. Antonius—this personage was of the sort that 'were faithful neither to God nor to themselves.' His one resolute action had been to retrieve his expulsion from the Senate in 70 B.C. by standing for a second praetorship and thus once more qualifying for the consulship. The rest of his career was a record of alternate pilfering and profligacy. It may seem strange that Catiline and Crassus should have leagued themselves with such a good-for-nothing associate. But a nonentity like Antonius could at least perform one negative service; he could hold the second consulship against a third candidate whose election would have neutralized Catiline's victory at the polls.

The third candidate, M. Tullius Cicero, was the best qualified in all respects but one. Unlike most of the young Italians who came to try their fortune in Rome, Cicero was not content with a few minor magistracies, but aspired to fill the highest posts and even to become the leading statesman of the Republic; and his gifts appeared commensurate with his ambitions. His oratorical talents, besides bringing him fame and wealth, had provided him with many influential supporters: though in his leading forensic case, the trial of Verres, he had been counsel for the prosecution, he had specialized in the arts of defence, and had thus laid under obligation many persons of high standing. He had won the favour of the equestrian class, both of the financiers at Rome, of whom he was a recognized spokesman, and of the country squires from whom he was himself sprung. His exuberant wit and his geniality, as yet unclouded by disappointments, had won him friends in many quarters. In the junior posts of his official career he had earned a good name by his industry and integrity. But he was a *novus homo*: his father had not been a senator, but a plain country gentleman. Would his lack of ancestry disqualify him in the eyes of the nobility? So much at least was known to all, that the aristocracy had steadily maintained their hold on the electoral hustings while their other privileges were crumbling, and for the previous thirty years had succeeded in retaining the consulship within their own ranks. Cicero's misgivings on this score are reflected in a surviving pamphlet named the *Commentariolum Petitionis*, or 'Electioneering Manual,' which is usually held to be from the pen of his brother Quintus[1]: its author, while making a brave show of electoral optimism, cannot stifle an undertone of anxiety.

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[1] The authorship of the *Commentariolum* cannot be regarded as certain. But its historical value is none the less assured, for the composer, whoever he may have been, was excellently posted up in the circumstances of the election.

In 65 B.C. Cicero, wishing to leave no stone unturned in aid of his candidature, had made a bid for Catiline's co-operation by offering to defend him in his impending trial[1]. But Catiline, who had a full measure of patrician contempt for an *inquilinus* (immigrant) like Cicero, and saw no need of his services as an advocate or a canvasser, rejected his advances. Until the eve of the polling Catiline and Antonius ran against Cicero, and level with him. But Catiline once again proved his own worst enemy. With characteristic recklessness he disregarded the decent precautions with which electoral malpractice at Rome was shrouded, and although on this occasion he probably had no intention of violence, yet his bearing was sufficiently provocative to inspire rumours of a fresh conspiracy. The Senate, suddenly taking alarm, gave instructions for the disbandment of all clubs save those of bona fide craftsmen, and recommended that the existing law on corrupt practices should be stiffened. This proposal, it is true, was vetoed by a tribune among Catiline's supporters, yet it gave rise to a further debate in the Senate at which Cicero seized the opportunity of deepening its sense of danger. The *Oratio in Toga Candida*, which he delivered on this occasion, survives only in fragments; but these remnants suffice to show that Cicero artfully mingled abuse of his fellow-candidates with broad hints of a hidden hand that directed their crimes. Under the impression made by this speech a sufficient number of the votes directed by the nobility was diverted to Cicero to bring him in at the head of the poll. Antonius, whose family name was a good electoral asset, came in an indifferent second, Catiline a very good third.

IV. THE LAND BILL OF RULLUS

When Cicero entered upon his hard-won consulship, he expected, as did Disraeli on breaking into the preserve of the British premiership, to 'rest and be thankful.' As events fell out, he was engaged in a continuous round of battles in defence of the existing political order. On the first day of office he greeted the Senate with a polemic against a tribune named P. Servilius Rullus, and in his first popular harangue he returned to the charge. The subject of dispute was a new agrarian bill, which purported to revive and to extend the land-reform policy of the Gracchi, but in fact had a more dangerous object. Ostensibly Rullus was setting out to appease existing land hunger by a generous policy of settlement. In Italy he proposed to resume all State domains, including the former territories of Capua and Casilinum in the most fertile region of Campania, and to acquire further acreage at need by purchase out of the public funds. In the provinces he provided for the calling-in of leases on confiscated municipal lands, as at Leontini in Sicily, at Corinth, at Old and at New Carthage, and on the escheated family estates of deposed dynasties in the East. Under this last head he included, in addition to smaller tracts in Macedonia, Bithynia, and Cilicia, the extensive properties of the Attalids and of Mithridates in Asia Minor, and of the Ptolemies in Egypt. For the distribution or sale of these territories he set up a board of ten commissioners. These decemvirs he armed with final judicial authority on all questions of title to land and of compensation, and with powers to amass a purchase fund by calling in outstanding public debts (*e.g.* from the proceeds of Sulla's confiscations and of the sales of recent war-booty), and by drawing upon the prospective new revenues accruing from Pompey's conquests.

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[1] In spite of doubts, it is practically certain that Cicero did not defend Catiline. Had he done so, his action would not have placed a stigma upon him according to the rules of the Roman or of the English Bar.

On the face of it, this measure had some attractive features. It offered relief to those whom economic pressure or Sulla's evictions had left with insufficient land or none; it respected existing titles of ownership and offered a fair market price for estates acquired by purchase. But on closer inspection it assumed an ugly look. The scale of the decemvirs' operations and the powers entrusted to them exceeded the requirements of even the most ambitious scheme of settlement. The method of appointing the board, by a minority of seventeen tribes as a substitute for the plenary Concilium Plebis, was suggestive of jobbery: the favoured tribes, it is true, were to be selected by lot, but this process did not preclude manipulation. Again, granted the need of feeding the hungry, it was wasteful to replace efficient sitting tenants on the public estates, as at Capua and Carthage, by new and untried cultivators. Above all, it was manifestly unfair to embark on any comprehensive scheme of land distribution in the absence of Pompey, and, as it were, behind his back. Not only had Pompey's conquests provided part of the decemvirs' land and revenue, but the thirty-five or forty thousand soldiers whom he was about to discharge manifestly had a prior claim to the allotments. This general disregard of Pompey's interests was the most significant feature of Rullus' measure, and it provides the clue to its real intentions. Though the Lex Servilia might incidentally serve the purpose of social reform, its chief aim was to hold up the land required by Pompey for his veterans. This object, and the method of achieving it, reveal to us the real author of the bill. Crassus, who in earlier days had amassed wealth by holding real estate against a rise, now planned a 'corner' in allotment-land in order to sell it to Pompey on his own terms. In view of the difficulties which Pompey actually experienced in pensioning off his troops, we may recognize in the Lex Servilia the most typical and the most cunning of Crassus' intrigues: with one harmless-looking move he was about to checkmate Pompey.

But Cicero lost no time in taking the field against Rullus. In his anxiety to discredit his opponent at all costs he piled bad arguments on top of good. He profited by ambiguities in the drafting of the bill to exaggerate *ad absurdum* the powers of the decemvirs and the magnitude of their operations. He awakened an obsolete prejudice in denouncing the reconstitution of Capua as a Roman colony—one of the most praiseworthy provisions in the law. In defiance of his own better judgment he advised the proletariate to live like gentlefolk on the public purse rather than degrade themselves with productive labour. But he also emphasized the essential point that Rullus was merely a pawn in the hand of a more formidable player, and that his bill was in reality aimed at Pompey. Not content with out-arguing Rullus, Cicero outbid Crassus for the support of his colleague Antonius: in place of a seat on the decemviral board he offered him first choice of a lucrative proconsular province. With these counter-measures Cicero was entirely successful; he provided such a chilly reception for Rullus' bill that its author withdrew it without putting it to the vote.

This decisive defeat of Crassus marks the end of his campaign of precautions against Pompey. His time was now running short: Pompey would soon be free to return to Italy, and any further intrigues against him might merely hasten his home-coming. With the failure of Crassus' schemes Rome was freed for the time being from the risk of a fresh civil war. Not that Crassus desired such a war: undoubtedly he would far sooner have struck a bargain with Pompey than have drawn sword against him. Yet Crassus in 65 to 63 B.C. was playing with fire, and he might no more have been able to prevent a drift into war than Caesar's opponents in the years from 52 to 49. It was fortunate for Rome, and probably also for Crassus, that in his game of diamond-cut-diamond with Cicero the edge of his adversary's wits cut the more shrewdly.

V. CAESAR'S PROPAGANDA

Among the associates of Crassus in these three years we have not yet mentioned the most important of all, C. Julius Caesar. Born in 100 B.C.[1], Caesar belonged to a patrician family which could trace back its ancestry to kings of Rome and very gods, but had never yet produced a person of outstanding ability. Like Catiline, Caesar believed that his lineage gave him a preferential claim to political honours, and he showed the same unflinching determination to win his way to high office. As a young man he had gained distinction in a minor seat of war (p. 359); but he had taken no part in the great campaigns of Pompey or Lucullus, and so had been thrown back on the arts of the Forum for political advancement. Despite a natural talent for oratory he had failed to make a name for himself in the law-courts. Greater success attended his courting of the electoral rabble, for to the usual profuseness of the Roman noble he added unusual abilities as a showman: the gladiatorial games and beast hunts which he provided during his aedileship (65 B.C.) were remembered both for their sumptuousness and for the artistry of their display. Hence Caesar was marked out by popular favour for the high honours which he coveted, and in 63 B.C. he achieved a double success at the polls. In that year the death of Metellus Pius created a vacancy in the Chief Pontificate. This post was regarded as a preserve for elder statesmen, and it was out of the question that the College of Pontiffs, which since Sulla's time had recovered the right of appointment, should consider a junior aspirant like Caesar. But a tribune named T. Labienus, who was Caesar's lieutenant on more than one field, carried an *ad hoc* measure in the Concilium Plebis, by which the Lex Domitia of 104 B.C.[2] was re-enacted and the choice of the Pontifex Maximus was transferred to an electoral college of seventeen tribes selected (ostensibly) by lot. Caesar now appeared as a candidate and staked his last penny on the contest: on the morning of the poll he warned his mother not to expect him back save as Pontifex Maximus, for only so could he face her—and his creditors. The luck that befriends resolute gamblers attended Caesar in this as in greater ventures, for he won an easy victory over his two rivals, Q. Catulus and P. Servilius Isauricus, consuls of 79 and 78 B.C. But the very circumstances of his election are a warning that the functions of the Pontifex Maximus were no longer taken seriously; it is even doubtful whether Caesar recouped his expenses from the perquisites of the office. More important, if less notorious, was Caesar's success as a candidate for a praetorship in 62 B.C., which carried with it the right to a provincial governorship and high military command.

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[1] This date, which is supported by several ancient authorities (Vell. Pat. II, 41, 2; Plutarch, *Caesar*, 69; Suet. *Div. Iul.* 88; Appian, *Bell. Civ.* II, 149, 620), is plainly preferable to 102 B.C., which has been suggested by modern scholars on wholly unconvincing grounds.

[2] See p. 163 *sq.*

But Caesar's electoral campaigns involved his modest family fortune in debts which gossip estimated at fantastic figures. It is probable that in 65 and 64 B.C. Caesar had already attached himself to Crassus by a cash nexus which bound him for several years to come. Hence we find him at this period acting repeatedly in collusion with Crassus. In 65 B.C. he had been marked out by his patron to play the same part in Egypt as Piso in Spain. Current rumour also proclaimed that in the murder plot falsely attributed to Crassus (really the First Catilinarian Conspiracy) he had been Crassus' principal accomplice, and that in 64 and 63 he had abetted the candidature of Catiline and the legislation of Rullus. On Caesar's behalf we may confidently reject the charge of participation in the First Catilinarian Plot, which is even less plausible than the accusation levelled against Crassus: however drastic Caesar may have been in his political methods, he did not stoop to assassination. But we have adequate evidence that Caesar was in league with Catiline in the year 64 B.C.; we may see his hand in various beneficial clauses of the Servilian Law which anticipated the provisions of Caesar's own agrarian measures in 59 B.C.; and we may take for granted that he supported the campaign on behalf of the Transpadanes, of whom he was a more steadfast, and, as the event proved, a more successful champion than Crassus. But in spite of some casual affinities between Crassus' political views and Caesar's, it cannot be supposed that their alliance was wholly determined by these, still less that Caesar was the managing partner who supplied all the ideas while Crassus merely found the money. On one fundamental point Caesar's personal policy diverged sharply from that of his senior partner. In 67 and 66 B.C. he had been conspicuous in his support of the Gabinian and Manilian laws, and his attitude to Pompey in 63 and 62 B.C. plainly reveals his anxiety to keep on good terms with Crassus' principal enemy. If Caesar nevertheless abetted Crassus' intrigues in 65 and 64 B.C., this was no doubt the interest which he had to pay on his borrowings. We may indeed suspect that he was hardly less pleased than Cicero at the failure of Crassus' schemes.

For a true index of Caesar's political views at this period we must turn to other of his activities in which the influence of Crassus does not show through. From these it appears that Caesar's dominant purpose in these years was to protest against the vindictiveness of Sulla and of other victors in the recent Civil Wars. These protests, it is true, were sadly belated, and their practical effect was negligible, yet they are of interest as showing the trend of Caesar's mind. Though his policy may have been in part inspired by his marriage connection with the house of Marius, it probably had its mainspring in the essential conciliatoriness of his political thought, which rebelled against blind excesses of partisanship.

In 64 B.C. Caesar took advantage of his appointment as chairman of the *quaestio de sicariis* (the court for murder) to invite an information against two of Sulla's executioners, L. Luscius and L. Bellienus, and to press for their condemnation. This prosecution was a legal mistake, in that Sulla's agents were covered by an act of indemnity; a political error, because it uselessly raked up the embers of a dying controversy; and a tactical blunder, for it exposed Caesar to reprisals. A senator named L. Lucceius followed up these cases with a charge against Catiline, who notoriously had been headsman-in-chief to Sulla. Caesar, who at that time was under obligation to Crassus to help Catiline to the consulship, postponed the hearing until after the polling and eventually secured Catiline's acquittal. In so doing he honoured his bond to his creditor but stultified his previous *beau geste*.

In the early part of 63 B.C. Caesar initiated another political trial. His victim on this occasion was an aged senator named C. Rabirius, who was alleged to have taken a hand in the killing of Saturninus in 100 B.C. (p. 171). This prosecution was legally justifiable, for granted that Rabirius had killed Saturninus, his action was a mere application of lynch law and could not be excused by appeal to the *senatus consultum ultimum* which the Senate had issued against Saturninus (pp. 86 *sqq*.). But the affair of Rabirius belonged to an even remoter past than that of Luscius and Bellienus. Moreover Caesar, whose instincts of showmanship here got the better of his discretion, gave the proceedings a dramatic turn which in effect reduced them to a farce[1]. Instead of bringing Rabirius before the *quaestio de sicariis* he resuscitated a court of *perduellio* (high treason), which dated back to the kings of Rome and had become obsolete soon after. At his instigation the handy man Labienus carried a bill in the Concilium Plebis for the appointment of two judges, to be selected by lot from a panel drawn up by the praetor urbanus Q. Metellus Celer. With a discernment which probably surprised no one, the lot happened upon a distant relative of Caesar named L. Caesar (consul in 64 B.C.), and upon Caesar himself. As spokesman of this family party Caesar incontinently condemned Rabirius and ordered him, in accordance with an archaic ritual for the removal of polluted objects, to be tied to a cross and suspended from an 'unlucky' (barren) tree. This sentence was no doubt intended to lead up to a trial on appeal in the Comitia Centuriata; but it was forthwith quashed by Cicero, who induced the Senate to pronounce Caesar's barbarous sentence invalid and vetoed further proceedings by virtue of his consular authority.

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[1] Great uncertainty attaches to the details of procedure in Rabirius' case. The account in the text follows generally that of E. G. Hardy (*Journal of Philology*, XXXIV, 1915, pp. 12–39)

But the case was presently brought before the People by an alternative method. Labienus instituted a fresh action by summoning Rabirius before the Concilium Plebis on sundry minor (and probably fictitious) charges, to which he subsequently added an indictment for murder. Hereupon, by an unusual but not unprecedented procedure, he arranged with the praetor urbanus to transfer the case to the Comitia Centuriata. The action now proceeded to its final hearing, but at this stage Cicero re-appeared as counsel for the defence. With doubtful relevance but unquestionable debating skill the consul denounced the 'unpopular' sentence of crucifixion and represented the whole case as an attack upon the *senatus consultum ultimum* and, by implication, upon the consul to whom the Senate in 100 B.C. had entrusted the execution of its decree, to wit Caesar's own relative and hero C. Marius. But before the Comitia could proceed to vote, it was dispersed by Labienus in obedience to a signal from the praetor Metellus Celer (the lowering of a red flag on the Janiculan Mount), which in far-back days had conveyed the message, 'Fall in everybody, the Etruscans are coming.' This last incident, which no doubt had been preconcerted by Labienus and Caesar with Metellus[1], reduced *ad absurdum* a case that throughout had smacked of comic opera. Whatever lesson Caesar intended to convey by the prosecution of Rabirius was lost in the strangeness of its *mise-en-scène*.

If Caesar had to be content with a drawn match in the affair of

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[1] This collusion has often been denied. Yet it is incredible that Labienus and the People should have allowed themselves to be put off by the flag trick, if they had been in grim earnest. A judge and jury at the Old Bailey would not throw up an important case at the news that the Spanish Armada flares had been lit on Hampstead Heath.

Rabirius, he suffered downright defeat over another issue on which he was undoubtedly in earnest. By means of some friendly tribune he brought in a bill for the reinstatement of the children of Sulla's victims in their political rights. This measure was thrown out at the instance of Cicero, who objected that Sulla's laws must stand or fall together, and that the present was no time for toying with revolution; fourteen years were to elapse before Caesar was able to secure tardy justice for the disqualified. Caesar's plea for the sons of the proscribed is of interest as revealing the germs of his future statesmanship, which was more concerned to heal the wounds of civil dissension than to keep them festering. It is here rather than in the attacks on Luscius, Bellienus and Rabirius that we discern the real Caesar. On the other hand, Cicero in this case was running counter to his normal line of thought, which equally condemned Sulla's reprisals and favoured a conciliatory policy. It has been suspected that Cicero's hands were tied on this point by a compact with the nobility in return for their electoral support. Yet the consul might at this time plead honestly, if mistakenly, that his first duty was to stand fast. His best efforts were soon to be required to obstruct new moves of a kind that might have pushed the Republic over a precipice.

VI. *NOVAE TABULAE*

By his defeat at the elections of 64 B.C. Catiline had lost not only the consulship but the support of Crassus, who could not afford to wait another twelvemonth for the success of his candidate. Left to his own resources, Catiline could not finance another electoral campaign with the same open hand. But each reverse merely strengthened his determination to win a prize which he regarded as his birthright; and if he could not pay for votes in cash, he could issue promissory notes. Accordingly he renewed his candidature in 63 on a platform of *novae tabulae* or a 'clean slate,' offering a general cancelling of debts in return for his election. We may also ascribe to Catiline's instigation an abortive bankruptcy bill which a tribune had introduced earlier in the year, no doubt with a view to testing public sentiment.

In promising relief to debtors Catiline was resuming a policy which had borne good fruit in the early Republic and was supported by the precedent of the Lex Valeria of 86 B.C., by which current debts were scaled down by 75 per cent. (p. 266). But before inscribing Catiline's name on the brief list of Rome's social reformers, we must inquire whose votes he was intent on capturing. His programme was plainly not democratic in the sense of being attractive to the urban proletariate, who had no assets, no credit, and therefore no debts. To the rustic population it offered a real alleviation of burdens. From early times the Italian peasant had lived near the border line of indebtedness. Since the age of the great foreign conquests the influx of alien corn and labour had deprived him of a rise in the price of his work and his products. During the Civil Wars he had been exposed to more or less legalized robbery. When driven to borrow he became the prey of petty usurers, and in the ordinary courts of law he could expect nothing but strict justice. But if the sufferings of this class were evident, its electoral value was highly problematic. In general the small cultivators lived in the more remote and sparsely populated regions of Italy, and their vote in consequence was difficult to organize. It is significant that the only considerable group of rustic adherents to Catiline's cause were old soldiers of Sulla who had been hastily settled on confiscated lands in the Arno valley and had ever since lived on their capital. In all probability the genuine Italian peasant counted for little in Catiline's plans.

It appears, then, that Catiline's propaganda was mainly addressed to the higher grades of Roman society. Among the *equites* he could hope to gain stray supporters who had run into debt through unwary speculation in land or in foreign loans. But in general Roman financiers tempered their enterprise with abundance of caution. For their loans they demanded ample cover, and in their tax-farming operations they distributed risks by parcelling out their capital among several joint-stock concerns. In any case, the *equites* as a class owned rather than owed debts, and so could only have an adverse interest in bankruptcy acts. There remains the senatorial nobility. Individual members of this order had acquired great wealth by inheritance, by warfare, by extortion in the provinces, or, as Crassus, by beating the *equites* at their own game. But the aristocracy in general lacked time and inclination for money-making. On the other hand they stood committed to heavy expenditure in support of their station: frequent bribes to the electors and the upkeep of a permanent army of clients were the self-imposed price of their political ascendancy. Furthermore, the liquidation of debt among the nobility was hampered by a sentimental entail on ancestral estates which disinclined even solvent senators to meet their obligations. Thus in aristocratic circles indebtedness was a recurrent problem: it had exercised the Senate in the days of the younger Livius Drusus, and under the Principate it remained a source of trouble.

It was the nobles, then, that stood to gain most from *novae tabulae*; and for such a measure they could pay in advance. With the disciplined vote of the clients and parasites who were the main cause of senatorial poverty, a handful of aristocratic wire-pullers could carry any ordinary election like an eighteenth-century borough-monger. Catiline's promised debt relief was therefore essentially a piece of class legislation, and was calculated to strengthen the political ascendancy of the nobles by basing it on economic privilege. In effect, it was a reactionary, not a reforming measure.

As election time drew near, Catiline carried himself confidently. He had no formidable competitors on this occasion, and he could count on the tacit support of Antonius, who had a personal interest in a clean slate. But his calculations were again upset by Cicero, who was attached by long association with the creditor element, and indeed held an honest conviction that *novae tabulae* was another name for fraud[1]. In his campaign against Catiline Cicero was assisted by a financial panic which precipitated a calling-in of loans and a drain of gold out of Italy. This scare, it is true, was soon allayed by the Senate, which authorized the consuls to prohibit the exportation of gold, and by a long-headed financier named Q. Considius, who set an example by proclaiming an extension of credit to his customers at easy rates; yet the mere occurrence of the alarm gave point to Cicero's polemic. Still more prejudicial to Catiline's chances was a renewed suspicion of violent designs. With the consulship in his grasp, it is most unlikely that he should at this stage have seriously contemplated a perfectly gratuitous recourse to crime. But he openly indulged in braggadocio, vowing that 'if his fortunes were set ablaze he would quench the fire, not with water, but by pulling the whole house down[2]'—an empty phrase which could serve as a blank cheque to alarmists; and the arrival in Rome of a band of veterans from northern Etruria, though they probably came as voters bona fide, none the less lent colour to the forebodings of revolution.

Resuming the tactics which had already won him the consulship, Cicero made the most of the prevailing uneasiness. With the Senate's consent he carried through the Comitia Centuriata an impossibly severe law against corrupt practices, which aggravated the existing penalties with ten years' exile. On the eve of the polls he asked leave to recruit a bodyguard and to put off the elections to a distant date, in the hope that in the meantime the contingent from Etruria would have dispersed. The Senate, it is true, sorely disappointed Cicero, for it refused him protection and postponed the voting for a few days only[1]. But this respite proved sufficient for the consul. From among the younger *equites*, who willingly rendered such service, he improvised an unofficial escort. On polling day he made a brave show of his stalwarts, and he took care to let the sun catch a highly-burnished cuirass which peeped out from under a loosely draped toga. The electors took the hint, and returned L. Licinius Murena, a former officer of Lucullus, together with one D. Junius Silanus.

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[1] *de off.* II, 24, 84.

[2] Cicero, *pro Murena*, 25, 51.

VII. THE SECOND CATILINARIAN CONSPIRACY. THE FIRST PHASE

Catiline's second failure at the polls was the direct cause of the plot which has made him into the stock villain of historical melodrama. Given the pride and the class-loyalty which formed the outlines of virtue in his depraved character, he could not readily resign his aspirations to a consulship, or abandon his debtor-friends after raising their hopes with the promise of *novae tabulae*. Accordingly in the late summer of 63 B.C. he passed from vague bluff to definite preparation of a coup-de-main. Among his confidants he included several other political malcontents, such as his former partner Autronius, and L. Cassius, who had also run at the elections of 64 B.C. But the most notable of his fellow-aspirants to high office was a patrician named P. Cornelius Lentulus, who had held a consulship in 71, had been expelled from the Senate in 70, and in 63 had re-entered that assembly through election to a second praetorship. Not content with this rehabilitation, Lentulus had been lured to extravagant hopes by a stray prophecy that three Cornelii should be kings in Rome—Cinna, Sulla, and (why not?) himself. Altogether, of the sixteen conspirators known to us by name, twelve were of senatorial standing. But Catiline's counsels were also shared by several *equites*, by old soldiers of Sulla, and by a number of women. For the rank and file of the plotters, though not for the ringleaders, the object of the movement lay rather in the remission of debts than in the seizure of political power. The immediate purpose of Catiline's second as of his first conspiracy was to create a vacancy in the consulship. No doubt Catiline was intent on paying off other political scores, but his chief concern was to get rid of Cicero. For his installation into Cicero's empty seat he counted on the collusion of the surviving consul Antonius. It is uncertain whether he proposed to hold the fasces to the end of 63 or of 62 B.C.; but we may assume that before laying them down he would have satisfied his accomplices by carrying the long-expected measure for *novae tabulae*.

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[1] The view that the elections of 63 B.C. were held in September or October rests on quite inadequate evidence, and cannot be squared with the known facts of the subsequent conspiracy. On this point see especially F. Baur, *Zur Chronologie der catilinarischen Verschwörung*.

In 63 B.C. Catiline could have no hope, as in 65, of taking his victims by surprise. Therefore, instead of relying on a mere handful of bravoes he made preparations for a considerable expenditure of force. In Rome he requisitioned a disengaged band of gladiators, and in Etruria he commissioned an ex-officer of Sulla named L. Manlius, who belonged to his band of ruined spendthrifts, to raise the veteran colonists. The details of Catiline's dispositions are not clear. But it is probable that the troops from Etruria had instructions to steal along in small detachments to the town of Praeneste, which lay some twenty miles from Rome on the Via Latina (that is, off the main lines of communication between Rome and Etruria), and to concentrate there on October 27th for a night march upon Rome. On October 28th, a date on which public attention would be distracted by the annual games in honour of Sulla's victory, the main action of the plot was to be carried out by the joint forces of the gladiators and of the recent arrivals from Praeneste.

In planning this attack Catiline must have reckoned with the fact that Cicero at any rate could not be caught off his guard. But he had good reason to expect that the Senate would not take the consul's word, and would therefore grant him no protection over and above his unofficial bodyguard, unless definite proof of a conspiracy were laid before it. For his own part, too, Catiline had at last been taught by the results of past indiscretions to keep his hand dark. But, considerable as were his powers of leadership, he was unable to impose silence upon some light-headed associates. The first news of the plot reached Cicero through a demi-mondaine named Fulvia, in whose presence an elated conspirator, Q. Curius, counted his unhatched chickens, not realizing that such women are in request as secret service agents. But her report probably did not go into details. Further information was brought by Crassus, who roused the consul out of a midnight slumber and delivered to him a parcel of letters that had been handed in at his door by an unknown person. These missives were addressed to various members of the Senate, but they all contained the same message, bidding the recipient leave Rome because of an impending massacre. Though several details of this episode remain unexplained, it is fairly certain that the warnings were given in good faith by an accomplice anxious to save his personal friends or protectors, and that Crassus' part in it was the same as Lord Monteagle's in the Gunpowder Plot[1]. On the strength of this message Cicero convened the Senate and announced to it the date of the forthcoming murders. For the present the Senate contented itself with instructions to Cicero to make further inquiries. But a day or two later the consul conveyed to it news that Manlius was on the move and would take up arms on October 27th; and his forecast was confirmed by a private senator who announced suspicious comings and goings in Etruria. At this second session, which took place on October 21st[2], the Senate proclaimed a state of emergency and called upon the consul to take all necessary measures of defence.

Once the *senatus consultum ultimum* was passed, Cicero forestalled Catiline's attack at every point. He removed the gladiators to Capua. He called out the municipal militias and commissioned the praetor Metellus Celer to raise fresh levies in Picenum and the Ager Gallicus. He sent Q. Marcius Rex, who was encamped near Rome with a small force in anticipation of a triumph for his share in the Mithridatic War, to patrol Etruria. With his skeleton corps Marcius was unable to accomplish more than to check and observe Manlius, but in so doing he deprived Catiline of his Italian reinforcements. On November 1st a belated attempt was made by an isolated troop to break into Praeneste, but was foiled by the local defence corps. Not a single Etruscan contingent joined hands with Catiline in Rome. The critical day passed without any worse mishap than a temporary flight of senators who now trusted Cicero's word, but not his powers of self-defence.

Thus Catiline was checked as effectively on October 28th, 63 B.C. as on January 1st, 65; but for a second time he got off scot free. For the moment he was protected by a missing link in the chain of evidence, which was not yet sufficient to establish his personal guilt beyond all cavil. In the absence of irrefutable testimony against him, Cicero would not risk his arrest. From the outset of his consulship he had been acutely conscious of an undercurrent of resentment on the Senate's part against the *novus homo* who was saving it despite itself; at the time of the elections he had received an embarrassing reminder of their distrust; and he was repaid for his exertions in keeping Rome quiet on October 28th with accusations of having cried 'wolf.' Foreseeing some such fate as did actually overtake him five years later, if he should presume too far on his powers, he chose the alternative risk of leaving Catiline at large. His wariness was apparently justified by the discomfiture of a young nobleman named L. Aemilius Paullus, who rushed in upon Catiline with a prosecution for breach of the peace. Catiline at once reduced this charge *ad absurdum* by going round to Cicero and other senators with a request to take him into their custody pending the trial; and he succeeded in thrusting himself as a prisoner upon one M. Metellus, who entered into the spirit of the jest.

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[1] It has been suggested that the letters were forged by Cicero and delivered to Crassus by his orders, as a test of Crassus' complicity; or that they were concocted by Crassus with a view to disarming the consul's suspicions. But whatever Crassus might have done with the letters, his action or inaction could have furnished no proof or disproof of his collusion with Catiline. It was not worth while for Crassus or for Cicero to forge them.

[2] This date is certified on the high authority of Asconius (p. 6, c.). In spite of much discussion, the date of the previous meeting of the Senate cannot be fixed.

VIII. THE SECOND CATILINARIAN CONSPIRACY. THE SECOND PHASE

In selecting his gaoler, Catiline had evidently bargained for the privilege of a latchkey. On the night of November 6th–7th he slipped out to meet his accomplices at the house of one Laeca, in Scythemakers' Row, and there mended the broken threads of his plot. In his revised plan Catiline prepared to attack on more than one front. Not content with murdering some leading senators, he now proposed to distract the government by starting conflagrations in several quarters of the city and by calling out the slaves to loot. If there is any truth in a rumour that he tampered with the crews of a flotilla which Pompey had left to patrol the Tyrrhenian Sea, we may gather that he also intended, like Marius in 87 B.C., to cut off the city's corn supplies[1]. But the most distinctive feature of his reconstructed plot was that he now endeavoured to organize a widespread insurrection on the Italian countryside. He laid plans to enlist the gladiators in the training-schools of Capua, the armed herdsmen on the ranches of Apulia (where Antonius owned extensive pastures) and of Bruttium; the discontented peasantry of Cisalpine Gaul and of the hill country between the Central Apennines and the Adriatic. Finally, he arranged to assume personal command of a veritable field force in northern Etruria and from that base to repeat the march of M. Lepidus upon Rome. If Catiline, by keeping his opponents in play elsewhere, had succeeded in occupying the capital, he might for a while have enjoyed a dictatorship like those of Cinna and Carbo. But just as these were swept away by Sulla, so would Catiline infallibly have drawn Pompey upon himself and have gone down before a whiff of his grapeshot. In any case Italy was no longer such a hotbed of rebellion as in the days of the Civil Wars. Besides, whatever chances of initial success stood open to Catiline were once more dissipated by the indiscretions of his accomplices.

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[1] This attempt has sometimes been brought into connection with the conspiracy of 66–5 B.C. But Cicero plainly dates it to the year of his consulship. (*Oratio post Red. ad Quir.* 7, 17.)

Laeca's guests had hardly dispersed before Cicero had word through Fulvia. Her prompt disclosures enabled him to forestall an immediate attack which Autronius had improvised in concert with a younger knight named G. Cornelius. In this by-plot the two knights, having gained entrance into Cicero's house at daybreak on November 7th, on pretence of paying him their matutinal respects, were to hold it open for the intrusion of a band of bravoes. Cicero received too sudden notice of his danger to arrange for the arrest of the intruders, but he had time to make his house fast against them. His morning callers therefore had to take at face value the message that he was 'not at home.'

In spite of Fulvia's disclosures Cicero still deemed it imprudent to lay hands on Catiline. On November 8th[1] he convened the Senate for further instructions, and he made the most of the lucky accident that Catiline, in hopes of diverting suspicion from himself by a bold piece of bluff, attended the meeting. In the so-called 'First Catilinarian Oration' Cicero made a pretence of being conversant with Catiline's latest schemes and blackened his character by recounting the details of his criminal career; yet he tamely concluded by inviting, nay begging the convicted traitor to relieve him of his embarrassing presence by leaving Rome. By this calculated anti-climax Cicero probably sought to elicit from the Senate the retort, 'No, no, arrest him at once!' But the Senate refused to give Cicero the lead for which he was playing[1]. On the next day Catiline did indeed quit Rome, but not as a penitent sinner to a self-imposed exile: he went as an imperator to his headquarters in Etruria, to organize his main army of attack. The cries of joy with which Cicero announced Catiline's departure to a popular audience could not conceal the fact that a bird worth caging had flown. Neither did it reduce Cicero's difficulties that the Senate, on hearing of Catiline's arrival at the camp of Manlius, made a belated show of energy by proclaiming both of them public enemies.

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[1] In spite of much controversy on this point, it may be regarded as certain that the First Catilinarian Oration was delivered on the 8th, and not on the 7th of November. See v. Stern, *Catilina*, pp. 166–74; T. Rice Holmes, *The Roman Republic*, vol. 1, pp. 461–5.

Toward the end of November Cicero resumed for a moment his place at the Roman bar in order to defend the consul-elect Murena on a charge of bribery. This diversion was not a mere holiday from his consular duties, for he had marked out Murena to carry on the defence of the Republic against Catiline, in the event of the conspiracy dragging on into the ensuing year. Murena's case was peculiarly awkward, for his guilt was undeniable, and the statute under which he was being pursued was Cicero's own law on corrupt practices. Moreover the charge was being pressed by a prosecutor named M. Porcius Cato, a descendant of the redoubtable censor, who had inherited his ancestor's integrity and, above all, his dour pugnacity. On other occasions we shall find Cato's obstinacy getting the better of Cicero's opportunism; at Murena's trial his unbending front was turned by a flank attack. Replying to Cato, Cicero made the utmost use of his best weapon, irrelevant but cleverly calculated ridicule; with desperate facetiousness he laughed the case out of court.

Cicero's apprehensions that the conspiracy might outlive his consulship were not realized. Even while he was defending Murena, Catiline's plans were breaking down at every point. In Campania the situation was saved for the government by the vigour of a quaestor named P. Sestius, who unceremoniously expelled Catiline's agitators and by December was able to report all quiet. In the Apennine districts the emissaries were promptly arrested by Metellus Celer, in North Italy they were seized by C. Murena[2], the brother of the consul-elect. The agent whose mission was to rouse the Apulian herdsmen never reached his destination. Except in Etruria, the expected risings did not take place, or were easily stifled. On the Etruscan sector the issue hung in the balance somewhat longer. After Catiline's arrival there the government troops were reinforced and transferred to the command of the consul Antonius. But Antonius accomplished even less than Marcius, for he failed or never attempted to check the vigorous recruiting campaign which Catiline instituted. It says much for Catiline's driving power, and for his prestige among Sulla's old soldiers, that he contrived to increase Manlius' force from two thousand to some ten thousand men. But not being able to find arms for more than a quarter of these, he could not yet risk an advance upon Rome.

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[1] A combination of sections 20–21 of the First Catilinarian Oration with Diodorus, XL, frag. 5 *a*, makes it appear probable that Cicero was actually baited by Catiline into putting a motion for his banishment, but was received in stony silence by the Senate and was hard put to it to explain away this rebuff. The motion, if carried, would have had no legal force, but as a declaration of the Senate's opinion would have strengthened Cicero's hand.

[2] So Sallust (*Cat.* 42, 3). Cicero (*pro Murena*, 41, 89) implies that C. Murena was stationed in Transalpine Gaul. It is not unlikely that temporarily he was governor of both the Gauls.

This delay in Catiline's movements cast a new responsibility upon his accomplices in the city, who now had to decide whether they should wait indefinitely for the rebels from Etruria, or should fix a date for their own rising in advance of Catiline's arrival. By the advice of their new leader, Cornelius Lentulus, they resolved to kindle the fires and to call out the slaves on December 17th, the first day of the Saturnalia, and to summon Catiline to march upon Rome in time to consolidate their victory[1]. In itself, this plan was not ill-conceived, for the Saturnalia was a general holiday on which the slave population enjoyed temporary freedom; and in the confusion following upon a nihilistic outbreak in Rome Catiline would have a better chance of slipping through to the city. But once the accomplices had taken to thinking on their own account, they could not let well alone. By a perfectly gratuitous indiscretion they ruined Catiline's last hope of co-operation and fitted a noose round their own necks.

In November 63 B.C. a party of envoys from the canton of the Allobroges in Transalpine Gaul were about to return home from a vain attempt to obtain remedy for grievances from the Senate (p. 545). Lentulus, bethinking himself that their tribe might assist Catiline with mounted forces, made overtures to them through several agents, who threw all reserve to the winds and posted up the Gauls about the whole movement. After some hesitation the Allobroges sold their information to the government, and by Cicero's instructions they exacted from five of the accomplices (Lentulus, Cassius, C. Cethegus, L. Statilius, and P. Gabinius) a sworn and signed covenant. Still acting by the consul's orders, on the night of December 2nd–3rd they left Rome taking with them the incriminating documents, and accompanied by one T. Volturcius, whom Lentulus had told off to introduce his new allies to Catiline and to deliver a confidential despatch from himself to his chief. As they defiled on to the Pons Mulvius, not far from the city gates, they let themselves be overpowered by an armed patrol which brought back the whole party and all its papers to Rome. Without delay Cicero arrested Lentulus, Cethegus, Statilius, and Gabinius, together with one Q. Caeparius. (Cassius, who had left Rome on another errand, avoided capture.) At a session of the Senate on December 3rd the prisoners were confronted with Volturcius, the Allobroges, and their own signed covenants, and were pronounced guilty by a unanimous vote. By the Senate's orders they were detained in custody, but in deference to their rank (for all except Caeparius were senators) they were allowed the privilege of residence in the private houses of Crassus, Caesar, and other nobles.

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[1] In our MSS. of Sallust (*Cat.* 43, 1) we read that Catiline's accomplices invited him to arrive 'in agrum Faesulanum' on December 17th. Since Faesulae was distant some 200 miles from Rome, it is agreed that this reading is corrupt. The most probable emendation is 'in agrum Falerianum.' Falerii lay a hard day's march away from the city.

From such prisons escape was not impossible; hence in the following night a rescue was planned by clients of Lentulus and Cethegus. But Cicero now had all Rome behind him. By a racy popular harangue in which he described the proceedings in the Senate he had won over the urban proletariate, who might have joined the conspirators in mere looting, but could only feel alarmed at the danger of a general conflagration. The consul accordingly, besides strengthening his patrols, had all the burgesses sworn in as special constables. These precautions sufficed to keep Rome quiet for the rest of the year.

The seizure of the accomplices also relieved Rome of all risk of capture by Catiline's field force. On hearing of the arrest of his associates Catiline at once abandoned all hope of advancing upon the city. His only chance, he now perceived, was to slip away across the Apennines and Alps into Gaul. But Metellus Celer, who had completed the pacification of Central Italy and was free to move northward, headed him off by occupying the exit of the pass from Pistoria to Bononia; and Antonius, whose hand was now forced by the arrival of his masterful quaestor Sestius from Campania, closed in upon the fugitive from the Arno valley. With Manlius and a handful of devoted followers (partly tenants from his Etruscan estates) Catiline stood at bay near Pistoria. In the ensuing battle (January, 62) the first casualty was Antonius;

the brother of the consul-elect. The agent whose mission was to rouse the Apulian herdsmen never reached his destination. Except in Etruria, the expected risings did not take place, or were easily stifled. On the Etruscan sector the issue hung in the balance somewhat longer. After Catiline's arrival there the government troops were reinforced and transferred to the command of the consul Antonius. But Antonius accomplished even less than Marcius, for he failed or never attempted to check the vigorous recruiting campaign which Catiline instituted. It says much for Catiline's driving power, and for his prestige among Sulla's old soldiers, that he contrived to increase Manlius' force from two thousand to some ten thousand men. But not being able to find arms for more than a quarter of these, he could not yet risk an advance upon Rome.

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[1] In our MSS. of Sallust (*Cat.* 43, 1) we read that Catiline's accomplices invited him to arrive 'in agrum Faesulanum' on December 17th. Since Faesulae was distant some 200 miles from Rome, it is agreed that this reading is corrupt. The most probable emendation is 'in agrum Falerianum.' Falerii lay a hard day's march away from the city.

On December 5th Cicero summoned the Senate to pronounce on the action to be taken against the arrested accomplices. The normal procedure would have been to reserve them for prosecution in the *quaestio* for murder or for breach of the peace. In the following year several plotters or suspects who had escaped arrest were actually brought into court; among those who stood their trial were Autronius, who was driven into exile, and P. Sulla, who was successfully defended by Cicero, now once more appearing as a barrister. But in 63 B.C. the consul Cicero held that a short way with captured rebels might serve as a timely discouragement to those that still stood in the field, and therefore determined on a summary execution of his prisoners by virtue of his magisterial authority, and on the strength of the *senatus consultum ultimum*. In his day the legality of such expeditious methods in times of crisis was generally admitted, but it remained doubtful whether they were applicable to malefactors who, being under lock and key and guarded against a rescue that was threatened, were no longer an instant source of public danger. Foreseeing the dangers which might attend any arbitrary action on his part, the consul hesitated to proceed without a declaration by the Senate which would bind it at least morally to his support.

Despite the fact that Cicero had the proceedings on December 5th recorded in shorthand, ancient writers are not agreed on the course of the debate. Yet its main outlines are clear. The consul-elect Silanus, with whom the consultation began, pronounced for immediate execution, and fifteen other senators of consular standing followed suit. Hereupon, the praetor-elect Caesar cast doubts upon the legality of summary action, but, instead of reserving the prisoners for a regular trial, he recommended that they should be interned for life in various Italian *municipia*[1]. This penalty, though not wholly unprecedented, was almost as gross an infringement of personal liberty as sudden death. It is a measure of Caesar's personal magnetism that this utterly unsatisfactory compromise was echoed by the other members of praetorian rank, and that at a second consultation the 'consulares' retracted their former opinions, despite the efforts of Cicero and of Catulus to break the force of Caesar's speech. Caesar would have carried the day, had not M. Cato, speaking as a tribune-elect, rallied the wavering assembly with a typical fighting speech, in which he threw out unworthy hints of Caesar's complicity with Catiline, and heavily reinforced Cicero's best argument, that prompt measures would have a wholesome moral effect. On this last point, which undoubtedly was the crucial factor, the Senate eventually sided with Cato. Thus Cicero obtained the moral authority for which he had cast about. Without delay he gave orders for the execution of Lentulus, Cethegus, Statilius, Gabinius and Caeparius.

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[1] It is uncertain whether Caesar made his disclosures in October or December. It is not likely that they were of any great importance, for they are only mentioned quite casually in one of our ancient sources (Suet. *Div. Iul.* 17).

In this debate the outstanding feature was not so much the legal question at issue, for in an age of civil wars (and of *dragonnades*) this was a comparative trifle, but the antagonism between Caesar and Cato, which was presently to become a leading factor in Roman politics. By a curious inversion of their usual attitudes Caesar now stood for constitutional propriety, Cato for rough common sense. But this incident may serve as a reminder that it is an exaggeration to dub Cato a doctrinaire legalist and Caesar a revolutionist on principle.

But the death of Catiline's associates was not the last word on that subject. A few days later a new tribune named Q. Metellus Nepos opened a campaign of popular oratory against Cicero's illegal conduct, and early in 62 B.C. he introduced a bill into the Concilium Plebis, inviting Pompey to rescue the constitution from Cicero's 'autocracy.' In this demand he was supported by Caesar, while his fellow-tribune Cato stood by Cicero, or rather against Caesar and Pompey. Metellus made a bad case worse by disregarding Cato's veto and instigating a renewal of mob-violence. The Senate in reply proclaimed a *iustitium*, or suspension of civil government, and when this proved ineffectual passed once more the *senatus consultum ultimum*. Under cover of it the consul Murena would no doubt have prepared for Metellus the fate of Gaius Gracchus or of Saturninus, but that Caesar, who had coolly disregarded the *iustitium*, now dissuaded Metellus from futile heroism. But Metellus' outcry against Cicero was a transparent pretext. His real purpose was to secure for Pompey some new commission which might enable him, as in 71 B.C., to round off his foreign conquests by saving Roman society from enemies nearer home. Metellus' first intention of course was to call in Pompey to suppress Catiline. But when Cicero took the wind out of his sails by disposing of Catiline beforehand, the tribune transferred his sympathies at short notice to the conspirators. The point at issue, therefore, was not whether Cicero was a tyrant, but whether Pompey should come up to Rome with or without his army. For this reason Cato had sued for a tribuneship, hoping to checkmate Metellus with his mere veto; while Caesar, foreseeing the advantage of an alliance with Pompey, made a show of indignation against Cicero. Though there is no evidence and small probability of Caesar having at this stage begun actual conversations with Pompey, his attitude and Cato's in the affair of Metellus anticipate the alignment of parties after Pompey's home-coming.

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[1] According to Plutarch (*Caesar*, 7; *Cicero*, 21) and Appian (*Bell. Civ.* II, 6) the imprisonment advocated by Caesar was a mere detentive custody preceding a regular trial. But the evidence of these later writers cannot stand against that of Cicero and Sallust, who state quite plainly that Caesar pronounced a life sentence, and confiscation (not sequestration) of their estates.

CHAPTER XII

THE FIRST TRIUMVIRATE

I. THE CONCORDIA ORDINUM

THE domestic history of Rome from 65 to 63 B.C. was rich in sensations but barren of achievements. A succession of plots and crises left the Republic almost exactly where it had stood before. Yet this absence of change was significant in itself, for it denoted a rally by the senatorial government against the revolutionary forces that were wearing it down. In particular, the defeat of the Second Catilinarian Conspiracy, though not in itself an event of the first importance, had been of value as a token that the Senate under capable leadership could still hold its own against physical force.

The significance of this victory was at once perceived by its chief organizer. Not content with the ovations of the urban population, the congratulations of the Italian municipalities, and the title of 'pater patriae' with which Catulus and other grateful senators had complimented him, Cicero lost no occasion of glorifying himself with tongue and pen as the saviour of Rome from utter extinction. In this orgy of self-praise personal vanity no doubt counted for much. Yet Cicero had good reason to advertise himself as a conqueror 'in a toga,' for his victories on behalf of civil authority at Rome had been as opportune as Pompey's triumphs over eastern potentates. Furthermore, in the years following his consulship Cicero made a notable effort to consolidate the ground which he had held in 63 B.C. The Catilinarian crisis had brought into momentary alliance all those solid and respectable elements in the commonwealth that stood to lose by gambles in revolution. Why should not this emergency coalition be made permanent as a 'Concord of all Good Men'? In a lasting union of this kind Cicero now saw the means of ensuing the ideal of every patriotic republican, 'otium cum dignitate.' His panacea, it is true, was a woefully inadequate remedy for the ills of the later Republic. It gave no thought to numerous reforms which were dangerously overdue. To mention but a few leading points which Cicero's own experience should have suggested to him: the senatorial aristocracy required a regular infusion of fresh blood from *novi homines* like Cicero himself; the city of Rome needed better protection against rioters and assassins; the economic parasitism by which senators, equites and the urban proletariate in their several ways impoverished the Roman provinces called for drastic remedies.

But Cicero's lack of clear vision into the future was shared by all his chief contemporaries, with the sole exception of Caesar. Besides, if his scheme was no more than a temporary expedient, yet as such it could not have been better chosen. It was no less true of Cicero's day than of the early period of the Principate, that the first requisite of the Roman Empire was a stable government to uphold lawful authority against organizers of riots and military adventurers. An interlude of tranquillity was an essential condition of successful reform to follow. Nay more, on one important point Cicero showed conspicuous sagacity. The worst danger to the Republican government lay not so much in mob leaders and rebels of Catiline's type, as in military commanders to whom the triumphant usurpations of Marius and Sulla were a standing incitement—*Sulla potuit, ego non potero?* The best guarantee against future military coups lay in winning Rome's greatest general, Pompey, to the cause of the Concordia, and this Cicero set himself to accomplish. In view of Pompey's past career, which at first sight might seem to stamp him as the most disloyal and self-willed of Roman *imperatores*, this project of Cicero's might be regarded as mere self-delusion. Yet in forecasting that Pompey might turn conservative and repeat the career of Scipio Aemilianus in politics as in warfare, Cicero displayed true insight into his character. As events were to prove, there was a winning chance that the poacher might wish to turn gamekeeper; and with Pompey's prestige, or if need be, his sword, in the service of the Concordia, the stability of Roman politics might seem assured.

II. POMPEY'S HOME-COMING

In 62–60 B.C. the Concordia Ordinum was tested and found wanting. We shall first pass briefly over two incidents of this period which had effects upon the coalition, but not of decisive importance. In December 62 B.C. a young patrician named P. Clodius, who has already appeared as the collusive prosecutor of Catiline, entered the Regia, the official residence of the Pontifex Maximus, in female disguise, and broke in upon the worship of an archaic deity named Bona Dea, whose rites were forbidden to men. The Senate at first took up the scandal with a show of vigour and secured the institution of a special court of inquiry by the Comitia Centuriata; but instead of insisting that a special procedure be adopted in selecting the jurors, it allowed them to be drawn by lot from the ordinary panels. In making this concession the Senate played into the hands of Clodius' patron Crassus, who bribed the common jurors in the usual way. The case was also prejudiced by the nonchalant attitude of the Pontifex Maximus. On the mere rumour that his third and penultimate wife (Pompeia, daughter of Pompeius Rufus, consul in 88 B.C.) had been the object of Clodius' gallant adventure, Caesar put her away. Yet he refused to give evidence against Clodius, and when asked why then he had divorced his wife he replied that his family must be above suspicion. In view of Caesar's notorious moral laxity, which was a heaven-sent theme for the wits and epigrammatists of Rome, we may assume that this sally was received with loud laughter. After this broad hint the court acquitted Clodius. (May–June 61 B.C.)

At the end of 61 B.C. a company of tax-gatherers, who had bought the right to collect the revenues of the province of Asia, discovered that they stood to lose by their contract and petitioned the Senate for a rebate off the purchase-price. Their claim was supported by Crassus, yet his influence in the Senate did not avail to overcome the resistance of M. Cato, who saw in the proposal a new form of *novae tabulae* and obstructed it until he killed it. (May–June 60 B.C.)

In a moment of chagrin Cicero lamented that these two episodes had knocked the bottom out of the Concordia. He had hoped that all Good Men would make an exhibition of their virtue at the expense of Clodius, against whom he had brought forward some damaging evidence at the recent trial, and that in the interests of solidarity with the Equites, from which class the petitioning tax-farmers were drawn, the Senate would humour their 'impossible capers[1].' Yet Cicero took his disappointments too tragically. Given the views then prevalent in political circles about the Roman religion, Clodius' escapade could not honestly be exalted into a high affair of State. In the matter of the tax-contracts the Senate probably gained more by its unwonted firmness in the face of jobbery than it lost in the estrangement of the financiers, whose support was never indispensable to any resolute Roman government. But the acid test of the Concordia lay in a reconciliation between the Senate and Pompey. The manner of Pompey's return had been an object of uneasy speculation from the time of his departure, and his attitude to affairs at Rome during his absence had not been reassuring. He had sought by underhand influence to deprive other generals who had recently held command in the East,

[1] *ad Att.* I, 17, 9.

Marcius Rex, Metellus Creticus, and L. Lucullus, of their triumphs: it was not until 63 B.C. that L. Lucullus received his trebly-earned reward. In 63–2 B.C. he had employed Metellus Nepos to find a military commission by which he might dominate Italy and Rome itself. By all the tokens Pompey was growing too big for the Republic.

In December 62 B.C. Pompey landed at Brundisium, and there and then disbanded his whole force, save a small escort to attend him pending his triumph. On his arrival at the gates of Rome he at once manifested his desire to come to terms with the nobility. He addressed the Senate in an unfamiliar note of studied respect, and he sought, though in vain, a marriage connection with its protagonist M. Cato. The fears of his principal antagonist, Crassus, he had disarmed beforehand: though Crassus in 62 B.C. had removed himself and all his family from Rome, he had been reassured into a speedy return and for the time being was allowed to maintain outwardly amicable relations with his rival. The cloud that had hung heavy over Rome was thus dispersed of a sudden and gave way to a promise of set fair weather. These surprise moves of Pompey have taken aback modern scholars no less than ancient observers; yet their explanation is not far to seek. Great as was Pompey's egotism, it was tempered by a saving respect for constitutional forms which shrank from undisguised acts of usurpation. In the absence of a colourable pretext for keeping together his army in Italy, he frankly accepted the situation and retired for the time being into civilian life. Besides, the mainspring of his ambition was not so much the love of power as the desire for applause, which Pompey courted no less eagerly, though in a less outspoken fashion, than Cicero. He was therefore not unwilling to pause in his career of conquest in order to bask in the sunshine of public admiration. Finally, since his return from the East Pompey's behaviour showed traces of an irresolution which grew upon him as he advanced in years. As Cicero had divined, Pompey was turning conservative: the time was now ripe for securing him as the champion of the established order.

To this problem Cicero at once applied himself, but he brought to it less than his customary tact. In recent years he had rendered Pompey an undeniable service in safeguarding the home front for him; but in suppressing the conspiracy of Catiline he had purloined a laurel twig out of Pompey's chaplet. And he had added insult to injury by writing letters to Pompey in his absence, and addressing public speeches to him on his return, in which he extolled his own achievements as though they were comparable with those of the great conqueror, and by inviting him to be duly thankful. Yet the annoyance which Cicero inflicted with his untimely self-praise did not cut deep. Pompey was on the whole more amused than angry, and in outward semblance at least seemed disposed to accept Cicero as his political mentor. Indeed the orator half believed that he had captured the general.

But in any case, the crucial question lay not in the attitude of Pompey to Cicero, but in his relations with the Senate. On his return to Rome he held out ostentatiously a hand of reconciliation. The Senate requited this gesture with nagging ill-will. By this sulky attitude it lost the keystone of the Concordia and ruined all hopes of tranquillity in the Republic. For this rebuff, it must be admitted, Pompey had partly himself to thank. In thrusting his way to fame he had pushed aside somewhat rudely other ambitious commanders such as Metellus Creticus and L. Lucullus, and had involved himself in a standing feud with Crassus. But these personal enmities were reinforced by the disinterested opposition of M. Cato, who did not share Cicero's views about Pompey's impending conversion, but went on believing that each move of his was but a prelude to an act of usurpation. For this reason he had taken the lead in resisting the propaganda of Metellus Nepos, and in the summer of 62 B.C. he had persuaded the Senate against its own intentions to refuse special facilities for an officer of Pompey named M. Pupius Piso to stand for the consulship. But, as we have already seen, Pompey overlooked these lesser slights. The Senate's real opportunity to win or to cast away his friendship came when he submitted to it two demands, the ratification of the *acta* or administrative decrees by which he had effected the settlement of the East, and a grant of land to the 35,000 or 40,000 soldiers whom he had recently dismissed. In substance both these requests were perfectly reasonable. Pompey's dispositions in the East had admittedly been judicious, yet until the Senate (or alternatively the Comitia) confirmed them, there was no guarantee that future Roman proconsuls would uphold them any more than Pompey had recognized Lucullus' *acta*. No doubt the Senate in return could claim a right to criticize and amend Pompey's measures on points of detail, but with goodwill on both sides agreement could here have been secured, *e.g.* by the appointment of a commission of decemviri, such as was usually sent out to conquered districts to assist the victorious general in drawing up a provincial charter.

On the question of pensions for Pompey's veterans there was even less ground for dispute. The practice of allotting land to soldiers retiring from foreign service was by then well established, and Pompey's troops, who had followed their commander far more loyally than Lucullus' rascals, had fully earned the customary reward. Besides, there could now be no question of a shortage of funds, for Pompey's conquests had brought in a lump sum of 20,000 talents to the Treasury, and had increased the yearly revenue from fifty to eighty-five million denarii[1]. But Pompey's opponents carried the Senate in a campaign of obstruction. Though they did not venture a point-blank refusal to his request for land, they only allowed it to rank *pari passu* with a similar demand on behalf of Metellus Creticus' troops, and they temporized endlessly over questions of ways and means. In the debate on Pompey's *acta* Lucullus insisted on his tit-for-tat and obtained it in the form of a resolution that Pompey's measures be dissected clause for clause by the Senate sitting *in pleno*.

Thus thwarted, Pompey turned from the Senate to the Comitia. On September 28th–29th of 61 B.C. he had regaled the people with a triumph of unprecedented splendour; with popular support he could hope to carry his point over the Senate's head, as he had done twice before in 67 and 66 B.C. In January 60 B.C. a tribune named L. Flavius introduced on his behalf a land-purchase scheme into the Concilium Plebis. This measure was criticized in a friendly spirit by Cicero, at whose instance it was redrafted so as not to threaten existing tenures. But Pompey's adversaries extended their obstruction to the popular assembly, and the consul Metellus Celer, who now shared the leadership of the opposition with Cato, talked to such purpose that the enraged Flavius marched him off to prison and kept him there, until Pompey sent orders for his release, by placing his tribunician bench athwart the entrance. Moreover, the urban voters were no longer in the mood of 67 and 66 B.C., when they had made short work of the senatorial opposition. As in the days of the Gracchi and of Marius, their enthusiasm for their hero proved a fire of straw that flared up and died without a steady glow of loyalty. In the summer of 60 B.C. Pompey lost heart and allowed Flavius' bill to be dropped. Thus the Senate paid off old scores on Pompey and inflicted a humiliating defeat upon him. Though he could in the last resort have forced the Senate's hand by calling back to his standard the troops whose pensions were being withheld, he shrank from this form of self-help and for the moment stood helpless. But before long the

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[1] Hence in 60 B.C. a bill to abolish customs duties at Italian ports was carried by the praetor Metellus Celer.

Senate discovered that it must pay heavily for the luxury of teaching Pompey a lesson.

III. THE FORMATION OF THE FIRST TRIUMVIRATE[1]

But the Senate's worst mistake was yet to follow. In 61–60 B.C. Caesar had held a propraetorship in Further Spain. As a civilian administrator he here made his mark by effecting a settlement of debts (outstanding, no doubt, from the Sertorian War). The compromise which he struck between the opposing parties, assigning two-thirds of debtors' incomes to creditors, recalled the principles of Lucullus' financial settlement in Asia and forestalled his own handling of the debt problem at Rome in 49 B.C. (see below, p. 655). But the chief event of his governorship was a campaign in the mountain country between the lower Tagus and Douro, accompanied by a naval expedition from Gades to Brigantium (Corunna), which completed the subjection of the peoples on the western sea-board of the peninsula. In this warfare Caesar distinguished himself sufficiently to qualify for a triumph, and we may confidently assume that he now definitely discovered his latent abilities as a general. In Cicero's words, the wind was now blowing full into Caesar's sails[2].

In the years following 65 B.C. Cicero and Caesar had frequently been engaged on opposite sides. In 60 B.C. a similar intuition to that which had divined Pompey's trend of thought suggested to Cicero that Caesar too might be won over to the cause of the Concordia. This hope was probably no more than a passing fancy, yet it was less chimerical than Caesar's previous or later career might indicate. As his behaviour in the affair of Metellus Nepos had shown, Caesar was by no means an implacable enemy of senatorial government, and although he could never have consented to rest content with Cicero's policy of 'otium cum dignitate,' it is not out of the question that with Cicero's good offices he might have come to a definite understanding with the Senate. A programme of constructive reform carried out by Caesar with the Senate's co-operation would probably have been the most effective way of rejuvenating the government of the Republic.

On his return to Rome (*c.* June 60 B.C.) Caesar gave the Senate an opportunity of cultivating better relations with him. His hopes were now centred on a triumph, a consulship, and above all, a proconsulship in which he might test his military talents on a larger scale. To the fulfilment of all these wishes the Senate could without loss of dignity have lent a helping hand. Yet once again, as in its dealings with Pompey, it deferred to leaders who would not let old suspicions sleep, and could think of no way of rendering him harmless except by disarming him. Arriving at Rome on the eve of nomination-day, Caesar asked leave to give in his name as a consular candidate by proxy, so as to preserve his right to a triumph, which he would have forfeited if in the meantime he had set foot in the city. The Senate was disposed to grant this request, but it tamely allowed Cato to abuse the members' right of free speech by talking the motion out. Hereupon Caesar threw up his chance of a triumph, and by way of making sure of his candidature appeared at the hustings in person. Having left a lively memory of past exhibitions of generosity in the minds of the electors, and being the only strong competitor in the field, he was from the start a certain winner; but he found himself saddled with a colleague named M. Calpurnius Bibulus, who from being Caesar's friend had become his determined opponent. The return of Bibulus was due to a novel experiment in syndicated bribery on the part of Caesar's principal enemies, to which even Cato subscribed 'in the interests of the Republic.' But these manifestations of ill-will could only irritate Caesar without disabling him. A far more damaging attack upon him was made at the eve of the election, when the time fell due for the Senate to select two provinces for the prospective consuls of 59 B.C. Anticipating Caesar's success, his adversaries induced the Senate to earmark for him (to be shared with Bibulus, a willing martyr in such a cause) a province whose short title was *silvae callesque* (forests and cattle-drifts). The duties of this department probably consisted in adjudicating rights of user on the State pastures and woodlands in Italy; in any case it was a purely civilian office, and more appropriate to the rank of a quaestor than of a consul. Thus the Senate broke through its usual routine of provincial appointments, and this for no other reason than to ruin Caesar's career.

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[1] This phrase to describe the coalition of Pompey, Crassus and Caesar, though constitutionally unjustified, is used because it is convenient and familiar.

[2] 'cuius nunc venti valde sunt secundi,' *ad Att.* II, 1, 6.

For the rest of that year the Senate remained free to imagine that it had reduced Caesar to the same state of helplessness as Pompey. But if Pompey in 60 B.C. had begun his political decline, Caesar was only just getting into his stride. To the Senate's last affront he at once replied by entering into secret negotiations with Pompey. On the whole, his previous attitude towards him facilitated this new move. Whatever he might think of Pompey's political abilities, Caesar always rated his prestige highly, and he made it a rule to cultivate his friendship. In 67 and 66 he had been a foremost supporter of the Gabinian and Manilian laws; in 63 and 62 he had ostentatiously taken sides with Metellus Nepos, and he had played up to Pompey's vanity by suggesting various small acts of legislation in his honour. It is true that he had allowed himself to become involved in Crassus' intrigues, and he came under suspicion of having been a partner in the unfaithfulness of Pompey's third wife. But for these ill turns Pompey bore him no lasting resentment. On the other hand, when Caesar first made overtures to him, Pompey was smarting over the recent failure of his land law, and he stood in too great need of allies to look closely into their past record. Accordingly he let himself be drawn into a partnership which remained for ten years the controlling factor in Roman politics. By the original terms of this compact Caesar offered, in return for support from Pompey and if need be from his troops, to carry *per fas aut nefas* the measures which the Senate had refused to him. At the same time, or soon after, Caesar made amends to Pompey for his matrimonial mishap by giving him the hand of his only child Julia. This marriage, which took place early in 59 B.C. and lasted until Julia's death in 54 B.C., achieved a far better success than need be expected of dynastic matches, and it materially strengthened the bonds between Pompey and Caesar.

An alliance of these two partners, provided always that each stood firmly by the other, required no further reinforcement. But Caesar in the first instance aimed at a coalition of all those political leaders who were at that time out of humour with the Senate. At the end of 60 B.C. he made an offer to Cicero to include him in the cabal. Though it is doubtful whether Caesar ever attached much importance to Cicero's political wisdom, he knew by experience that his oratory was a formidable power, and that his opinion carried special weight among the Italians outside the capital. To Cicero, who bitterly resented the Senate's refusal to accept Pompey's friendship and his own leadership, an alliance with Caesar held out a prospect of renewed influence and heightened prestige. Yet, while he recognized in Caesar a man of outstanding power, and even when opposing him was at pains not to affront him, he could never shake off a feeling of mistrust in regard to him. Though he had openly discountenanced the rumours of Caesar's complicity in the Catilinarian conspiracies, he would not dismiss a lurking doubt as to his innocence, which in later years gave way to a confident conviction of his guilt. If in the early months of 60 B.C. he had played with the hope of reconciling

Caesar with the Senate, at the end of that year he recoiled from a partnership with Caesar against the Senate. While Cicero continually changed his mind in judging persons and situations, he stood consistently by the principle of parliamentary government, and never wavered in his attachment to existing constitutional usage. Rather than follow Caesar into revolutionary courses, he decided to stand aloof in honourable isolation.

On the other hand Caesar was successful in enlisting Crassus as a third partner in the coalition. This achievement was less difficult than might appear at first sight, for Crassus had his grudge against the Senate for refusing the rebate to the tax-farmers with whom his interests were bound up, and he was better protected against Pompey by joining the alliance than by standing out. But it may be doubted whether Caesar's party gained in strength through the inclusion of Crassus. Since Crassus had advanced large sums to Caesar before his departure to Spain—and it is hardly credible that the proceeds of the latter's campaigns in that country sufficed to clear his debts—we may assume that Caesar was driven by the same financial necessities as forced him to consort with Crassus earlier. Within the new coalition Crassus hardly ever gave overt support to Caesar, and his influence at times proved positively disruptive.

Thus in 60 B.C. died the Concordia Ordinum. In 59 B.C. it was replaced by Caesar's new coalition, or, as it came to be called, the First Triumvirate.

IV. CAESAR'S FIRST CONSULSHIP

In 59 B.C. there was a greater output of legislation at Rome than in any year since the dictatorship of Sulla. Soon after entering upon his consulship Caesar brought forward an agrarian bill which was intended in the first instance to provide for Pompey's soldiers, but had the further object of relieving the general congestion of population at Rome. To this end it earmarked for distribution the residue of the public domains in Italy, with the exception of the Campanian estates; but since the remnant of unappropriated State-land in Italy had been reduced to very exiguous limits, it made arrangements for the purchase of additional private estates in small parcels, at the price entered in the censor's valuation lists. In order to protect the new allotment-holders agains themselves Caesar's act further stipulated that their properties should remain inalienable for the first twenty years. The execution of the measure was entrusted to a board of twenty commissioners, from which Caesar himself and all other office-holders were to be excluded[1].

Unlike the agrarian bill of 63 B.C., Caesar's law was modest in its scope and gave no undue privileges to the allotment commission. In providing for Pompey's veterans it met an admitted need, and it was calculated to fulfil its purpose without making an unfair inroad upon the public funds, which had but recently been replenished by Pompey's conquests. Furthermore, Caesar avoided Tiberius Gracchus' cardinal mistake by submitting his bill in the first place to the Senate and inviting discussion and amendment. But his offer was rejected at the instance of Cato, who, in default of any valid objection, denounced Caesar's act as the thin end of the wedge and had renewed recourse to obstruction. This time, it is true, the weapon was wrested out of his hands, for Caesar unceremoniously hauled him off the platform and threatened him with imprisonment; but the Senate played up to him with a passive opposition which defied both argument and force. Hereupon Caesar presented his measure to the Comitia, with the addition of a clause requiring all senators to swear non-resistance to it on pain of exile. For form's sake he invited his colleague to state his objections to the bill in the Forum, but merely drew from him the retort that he would fight Caesar and the whole people into the bargain.

At this stage Caesar unmasked the batteries of the coalition by calling upon Crassus and Pompey, both of whom spoke in favour of the bill. But the real significance of their support was not revealed until the land act was put to the vote. In reply to a veto by three tribunes, and to an announcement from Bibulus that he would 'watch the skies' and thus suspend business whenever the Comitia were summoned, Caesar mobilized Pompey's veterans. Though Pompey himself still refused to use force on his own responsibility, he fulfilled his compact with Caesar by putting his soldiery at the latter's disposal. By 59 B.C. a considerable number of Pompey's men had drifted into Rome, where they were living as best they could on the remnants of the bounty paid to them on dismissal, or on the public doles. Thus Caesar had no difficulty in collecting a strong body of rioters, and with these he swept his opponents out of the Forum. In this affray Bibulus began by receiving a basket of refuse over his head and ended by having his fasces broken. Undaunted by this rough usage, he convened the Senate to his own house on the next day and endeavoured to obtain from it a pronouncement, such as had been issued against the laws of Saturninus and of Drusus the Younger, that Caesar's act had been passed in an unconstitutional manner and consequently was null and void. But the Senate had been too well intimidated to carry resistance any farther. So well had the secret of the coalition been guarded that the opposition was completely taken by surprise at the co-operation of Pompey with Caesar. Even Cicero, to whom Caesar had dropped some hints, was unprepared at the new turn of events; the senators in general were so bewildered that they could not think of any counter-move. Abandoned to his own resources, Bibulus shut himself up in his private residence, whence he issued daily notices that he was watching the heavens and rained abusive edicts upon his fellow-consul. The last flicker of opposition was stirred up by Metellus Celer, Cato, and a disciple of his named M. Favonius, who refused to take the oath of obedience to the Lex Julia. But at the last moment Cicero overcame Cato's scruples, and all the non-jurors relented. By April the land-commission had got to work.

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[1] Within the main body of twenty a smaller panel of five officials was also set up. It is tempting to infer that these formed a managing sub-committee; but the fact that a place on this body was offered to Cicero suggests that it was designed to contain the figure-head directors, and that the active members were to be found among the residual fifteen.

But a few weeks of practical experience proved that the new law would not fulfil its purpose. The reason of this failure is not clear, but it is probable that the commissioners, not being armed with powers of compulsory purchase, found themselves unable to obtain the land required in sufficient quantities or at a reasonable price. In any case, toward the end of May Caesar was compelled to bring forward a supplementary bill. In this second act, the so-called Lex Campana, Caesar secured additional land by calling in the leases of the public estates in central and northern Campania. In the re-assignment of these he gave first choice to Pompey's veterans, and among the civilian settlers he accorded a preference to men who were the fathers of three or more children, and therefore more likely to take root. Caesar's second law was open to one serious objection, that it turned adrift many industrious smallholders on the public domains or, if they were allowed to remain as cultivating sub-tenants, saddled them with a rent to the new owners which, it may be presumed, considerably exceeded the amount formerly paid to the State. Yet it met with far less resistance than the previous bill. Cato once more pitted his length of breath against it, but each time he spoke he was bundled off the platform. One senator, M. Juventius Laterensis, actually went into exile rather than swear allegiance to the Lex Campana, but all the rest took the oath without hesitation. The new law had at any rate this merit, that it finally disposed of the problem of Pompey's veterans. Pompey in person went to Capua to draw up the charter of a colony which was now at last constituted upon this site, and it is probable that Calatia and Casilinum were likewise raised by him to the status of colonies. On the other hand the transplantation of civilian settlers to Campania does not seem to have made much headway, for as late as 51 B.C. portions of the Campanian domain remained unallocated.

Though Caesar's two land acts were introduced by the consul himself and stood in his own name, the greater part of the legislation which he initiated in 59 B.C. was formally brought forward by his right-hand man, the tribune P. Vatinius. In accordance with the terms of the bargain between Caesar and Pompey, Vatinius carried a short act by which Pompey's settlement of Eastern affairs was ratified *en bloc*. Resistance was offered, as before, by Lucullus; but a threat of prosecution (presumably for embezzlement of war-booty from his Eastern campaigns) brought him literally to his knees before Caesar. By way of fulfilling Caesar's obligations to Crassus, Vatinius took the question of the Asian tax-contracts before the Concilium Plebis and secured a remission of one-third of the stipulated purchase-price. This truly colossal concession naturally raised the stock of the favoured syndicate to a premium, and Vatinius' commission, which according to a quite credible rumour was paid in its shares, rose proportionately in value. Caesar himself made a show of atoning for this shady transaction by solemnly warning the peccant tax-farmers not to do it again: we may give him credit for having intended this as a joke. There is no evidence of his having received anything for himself from the *publicani*, or that he profited by Vatinius' traffic with various dependent kings in Asia, who wished to confirm Pompey's concessions to them by means of formal treaties with the Roman People and paid Vatinius for the requisite legislation. On the other hand it is certain that he and Pompey jointly exacted from Ptolemy Auletes of Egypt a promise to pay six thousand talents in return for a senatorial resolution and a popular law by which his crown was at last firmly set upon his head. It is difficult to explain on what grounds of policy or business calculation Caesar supported the suit of his future antagonist, the German chieftain Ariovistus, who applied to the Senate for the title of 'friend of the Roman People' (p. 548)

But all the rest of Vatinius' legislation is of slight importance compared with the Lex Vatinia de Caesaris Provincia. By this law, which came before the Popular Assembly in May or June 59 B.C., Caesar's tribune set aside the Senate's selection of consular provinces for 58 B.C. and secured for Caesar the governorship of Cisalpine Gaul and of Illyricum[1]. By the terms of this measure Caesar held his command under specially favourable conditions. He was authorized to nominate his staff of legati without reference to the Senate, and to found colonies at his own discretion[2]. Above all, his proconsulship, instead of being limited to the usual term of one or two years, was guaranteed to him until February 28th 54 B.C. It is not known why this particular date was selected as the legal term of his office; in any event, under the rules of succession then in operation Caesar might confidently expect that he would not actually be relieved before the end of 54 B.C., so that in effect the Lex Vatinia conferred his command for five clear years.

Thus Caesar was furnished with a province which offered him ample opportunities for testing his military skill. Yet the command in which Caesar actually established his fame as a general was bestowed upon him by a later grant and as the result of an afterthought. Soon after the enactment of the Lex Vatinia the governorship of Transalpine Gaul fell vacant by the sudden death of Metellus Celer, to whom this province had been assigned for the current year. At the instigation of Pompey the Senate now made a special grant of this province to Caesar, who thus acquired concurrent authority in both the Gauls. We may wonder that Caesar should have obtained his greatest prize from the Senate rather than from the People. But after its first sharp lesson over Caesar's land laws the Senate fully realized that resistance to the triumvirs was useless, so that henceforward it salvaged its authority by passing the measures which Caesar would otherwise have carried over its head to the popular assembly. We may also suspect an ulterior thought in the Senate's complaisance: Caesar would at all events be removed from Rome during the next five years, and the wider his opportunities of conquest, the greater also would be his chances of a humiliating defeat. It is not unlikely that the Senate banked on his essaying a task beyond his powers, and in this spirit paid out a liberal length of rope for Caesar to hang himself. At all events nobody in Rome, except perhaps the new governor of Gaul, had as yet any ground for suspecting that Caesar might rival Lucullus and even Pompey.

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[1] Illyricum appears to have been ordinarily attached to Macedonia.

[2] The town of Comum was reconstituted as a burgess colony under this law (p. 629). It is probable that other such settlements were contemplated at the time when the Lex Vatinia was passed.

Caesar's commitments to Pompey and Crassus obliged him to devote the greater part of his consulship to personal politics undisguised. Yet he found a little time to spare for measures of disinterested reform. At the outset of his term of office he made arrangements for authentic copies of popular laws and of senatorial resolutions, and for bulletins of important news, to be posted up from day to day for public inspection. Apart from its general educational value, this approximation to an Official Gazette was of special service in preventing the garbling of official documents by interested magistrates, a malpractice of which even Cicero had been accused. But the most significant of Caesar's reforming measures was a new act 'de rebus repetundis,' which consolidated past statutes on extortion and closed various loopholes left open to slim plunderers. This law was a durable memorial of Caesar's lifelong interest in the provincial populations. It remained in force so long as the jury-courts functioned, and it accomplished what little could be done by further penal legislation to restrain rapacious governors (see p. 459).

Although open resistance to the triumvirate died down with the passing of the land laws, its adversaries went on making play with the weapons of propaganda and drove their shafts home with considerable success. While Bibulus discharged volleys of edicts, senators with facile pens, such as the encyclopaedist Varro and Scribonius Curio the Elder, assailed the 'three-headed monster' in venomous pamphlets. These manifestos had their effect upon the proletariate and even upon the equestrian class, both of whom joined in demonstrations against the coalition at the public festivals. They also told upon the triumvirs themselves. Pompey made blundering apologies which plainly betrayed his embarrassment. Caesar, for once losing his temper, blurted out threats at the Senate and egged on the rabble with inflammatory speeches against Bibulus. Vatinius, outrunning the constable, proposed to break into Bibulus' house and had to be restrained by his fellow-tribunes from such unexampled violence against a consul.

By midsummer the political temperature had risen near to flash-point, and rumours of intended murder began to fly about. Fortunately the tension was somewhat abated by an incident which foreshadowed a tragedy but ended in broad farce. A professional spy named L. Vettius, who had plied Cicero with information good and bad at the time of the Catilinarian Conspiracy, confided to the younger Scribonius Curio a scheme for the assassination of Pompey. Curio, who had borne a gallant part in the opposition to the dynasts but drew the line at murder, reported the alleged plot to his father, and he to Pompey, at whose instance an investigation was ordered before the Senate. Here Vettius, turning King's evidence, transferred the role of ringleader from himself to Curio and implicated other members of the aristocracy, notably M. Brutus, whose conscience had not yet awakened to the duty of tyrannicide; Bibulus, who had previously volunteered information to put Pompey on his guard against murder; and one L. Aemilius Paullus, who happened at that time to be in Macedonia. The Senate at once recognized that he was at his old tricks and dismissed him with derision. But on the following day Vettius was summoned to undergo a second scrutiny at the hands of Caesar and Vatinius in the Forum. To please Caesar, who notoriously had a weakness for the mother of Brutus, Vettius expunged her son from the record, but to make up he produced from his conjurer's bag a catalogue of fresh culprits, including Lucullus and, by implication, Cicero. Lacking the artistry of Titus Oates, the Roman spy instead of alarming his audiences merely amused them; and far from drawing a fat pension he was packed off to prison by Vatinius and expired under suspicious circumstances. The only clear conclusion from this burlesque is that the plot against the triumvirs was pure fiction; at most we may admit that some hotheads might have sighed suggestively for a new Harmodius or Servilius Ahala. Vettius' mission therefore was plainly that of an *agent provocateur*. But who was his employer? Certainly not Caesar himself, who would have coached Vettius better and would never have suffered the tissue of lies to be embroidered with the name of Brutus. We cannot give an equally clear discharge to Vatinius, whom Cicero afterwards charged in round terms with the whole concoction. On the other hand it is possible that Vettius, like Oates, did not stand in anybody's employ, but invented the plot as a private speculation, in the hope of securing a good price from the triumvirs for inside information. The origin of Vettius' romance and the manner of his death are still unsolved problems.

By the end of 59 B.C. the general indignation against the triumvirs had died away. But Caesar's chief opponents, though foiled for the time being, nursed their revenge for some future day of retribution, and Pompey was filled with misgivings which he stifled again and again, but never fought down completely. As the standard historian of the Great Civil War, Asinius Pollio, pointed out, its seeds were sown 'in the consulship of Metellus[1],' that is, in 60 B.C., when Caesar formed the First Triumvirate.

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[1] Horace, *Odes*, II, i, 1. See below, p. 883.

V. PUBLIUS CLODIUS

The First Triumvirate, being based on no common principles, but on a fortuitous convergence of interests among its members, was nothing more than a temporary expedient; like the triumvirate of Antony, Octavian and Lepidus, it offered no durable substitute for the republican administration which it had put out of action. Its essential instability already showed through in Caesar's consulship, for Pompey even then could not conceal his uneasiness at being found in such compromising company. But the very illegality of Caesar's methods in 59 B.C. formed a new bond of union between the dynasts, for in the event of the legislation of that year being subsequently declared invalid, all three of them would suffer. Hence it was in their joint interest to make a common stand against any retrospective attack on the acts of Caesar and Vatinius. The need of such concerted action was at once made manifest after the expiry of Caesar's consulship. At the beginning of 58 B.C. two incoming praetors, C. Memmius and L. Domitius Ahenobarbus, invited the Senate to pronounce Caesar's laws null and void, and a tribune named L. Antistius prepared to impeach Caesar in person. Though nothing came of these attempts, their significance could not be missed. But Caesar at any rate did not require admonition. Foreseeing the need of insurance against his declared opponents, and of re-insurance against Pompey's vacillations, he made it a rule during his proconsulship to attach to himself as many as possible among the magistrates of each year. In this policy, it is true, he met with no great success, for to the very end of the Republic the nobility maintained its hold on the electoral machine. But for 58 B.C. he secured the services of a tribune compared with whom Vatinius might seem a faint-heart.

Vatinius' successor, P. Clodius, has already appeared as the prosecutor and the defendant in two lawsuits, in both of which he cut a sorry figure. Utterly unprincipled in private and in public life, he won his way by sheer audacity, and by his lack of scruples commended himself to several powerful patrons. Though he appears on more than one occasion as a henchman of Crassus, his most important services were rendered to Caesar, who borrowed him in 59–8 B.C. from his fellow-triumvir. In 60 B.C. Clodius, desiring a tribuneship for his own ends, had sought to remove the disqualification of his patrician blood through admission into a plebeian gens, but had been debarred from standing for office by the consul Metellus Celer, who insisted that his adoption, not having been attested and confirmed by the Comitia Curiata, was not legally valid. In the following year, thanks to Caesar's good offices, his *traductio ad plebem* was accomplished with all due solemnity. In his dual capacity as consul and Pontifex Maximus Caesar convened the Comitia Curiata on Clodius' behalf and guaranteed that the apposite ritual had been observed without a flaw: in comparison with this all-important regard for external forms, it mattered little that Clodius' adoptive parent was younger than himself. Thus invested in plebeian status, Clodius stood for the tribuneship of 58 B.C. and secured election. For the present his connection with Caesar was kept as dark as possible. The ceremony in the Comitia Curiata, though nominally performed for the sake of publicity, did not in reality attain this end, for the attendance at this obsolete assembly was usually made up of thirty lictors (one to each curia). Moreover Pompey, who had been invited to take part in the ceremony and to give his word as an augur that the omens were propitious, was not fully enlightened as to the intentions of Clodius and Caesar. To complete the mystification, Clodius pretended to solicit an embassy to the king of Armenia and to bear Caesar a grudge for his refusal.

But on entering his tribuneship Clodius lost no time in showing his colours. On January 3rd 58 B.C. he brought forward no less than four new laws. One of these, which prohibited future censors from expelling senators save after a joint judicial examination, was perhaps intended to safeguard his own position against the risk of some future revision of the Senate-list[1]. The other three aimed at the checkmating of Caesar's opponents and the elevation of his tribunate into a dictatorship. One measure, the only genuine reform among Clodius' acts, repealed two statutes of the second century, the Aelian and the Fufian laws, which facilitated the obstruction of legislative assemblies by magistrates on the pretext of watching the heavens, and it limited this right in future to augurs and tribunes. The immediate purpose of the new law was plainly to prevent a repetition of the manœuvre by which Bibulus in 59 B.C. had endeavoured to thwart and in strict law had invalidated the legislation of Caesar and Vatinius. A second act of Clodius made a bid for the support of the urban proletariate by abolishing all payment for public corn. In 62 B.C., after the riots stirred up by Metellus Nepos, Cato as tribune had sought to appease the town rabble by a lavish increase in the corn doles distributed by the State (p. 300 *sq.*). From that year, if we may judge by the charge which Cato's measure imposed upon the treasury, a monthly ration of five modii (pecks) of wheat was delivered to some 320,000 applicants at less than half the normal market price. This bribe, which Cato no doubt justified by high reasons of State, was not without effect, for in 59 B.C. the urban populace had joined heartily in the demonstrations against the triumvirs. But Clodius now over-trumped Cato by bestowing the corn free of charge. It mattered nothing to him that this gratuity absorbed more than one-half of the new revenues accruing from Pompey's conquests, and that it completed the pauperization of the Roman proletariate.

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[1] After the fiasco of Crassus' and Catulus' censorship in 65 B.C. a new pair took office in 64 B.C., but was prevented from holding a *lectio senatus* by some tribunes who feared for their own seats. In 61 B.C. a fresh Senate-list was actually drawn up, but the censors of that year, by way of disarming opposition, waived their rights of expulsion. No appointment of censors took place after this until 50 B.C.

The third law of Clodius was at once the most pernicious and the most important for his own aggrandisement. In 64 B.C., at a time when plots and rumours of plots followed thick and fast upon each other, the Senate had placed a ban on all *collegia* or clubs, save a few artisans' associations of old standing which had kept to their proper object of common worship and recreation. The effect of this resolution was to rid the city of a number of recently formed bodies whose members were drawn from the vagabond population and were trained to take the lead in the riots fomented by political agitators. By Clodius' law complete freedom of association was restored in Rome. In consequence fresh *collegia* sprang up like mushrooms and provided Clodius with an excellent recruiting field, out of which he formed a highly organized force of personal supporters. Thus Clodius, surpassing the highest achievements of Saturninus, Sulpicius and Vatinius, reduced political hooliganism to a system. The maintenance of his forces no doubt entailed a considerable outlay of money. But, to say nothing of his perquisites accruing from sales of titles and immunities, Clodius could reckon on Caesar or Crassus to provide him with funds. In effect, he was a domestic *imperator* with a regular army at his beck and call.

Having thus cleared the field for further action, Clodius introduced two more bills whose object was to deprive the Senate of its strongest and its ablest leaders, Cato and Cicero.

After his refusal to enter into partnership with Caesar, Cicero had quitted active politics and was dividing his time between literary pursuits and forensic practice. But before passing into retirement he had made an attempt to dissuade Pompey from tying himself to Caesar's chariot wheels, and when his worst fears of the triumvirate came to be realized, he could no longer restrain himself from a public display of indignation. In March or April 59 B.C., while defending his former colleague Antonius on a charge of misgovernment in the province of Macedonia[1], he blurted out some unguarded remarks about 'the condition of the Republic,' that is, about the illegalities of Caesar and his assistants. After this outburst Caesar decided that it was no longer safe to disregard Cicero. In the first instance he endeavoured to buy off his critic by offering him in turn a place on the land-commission, a post on his proconsular staff in Gaul, or some foreign mission on the orator's own terms. But in anticipation of Cicero's refusal he prepared to render him harmless by a sentence of exile. For the impeachment of Cicero Caesar had a plausible pretext in his execution of Catiline's accomplices, for which the Senate had indeed given him a moral but not a legal sanction (p. 503). In Clodius he had a prosecutor whose past relations with Cicero guaranteed that on this occasion he would not play into the hands of the defendant. After his trial on the affair of the Bona Dea, in which Cicero had tendered incriminating evidence, Clodius had sought to revenge himself on the orator in a contest of repartee before the Senate; but he had merely succeeded in drawing upon himself some telling thrusts of sarcasm—the most formidable weapon in Cicero's rhetorical armoury. Stung to the quick, Clodius never let his desire for vengeance sleep. It was with this end in view that he made his first unavailing attempt to obtain the tribuneship, and when Caesar assisted Clodius into that office it must have been with a full knowledge of the use to which he would apply its powers. It was therefore no mere accident that Clodius' *traductio ad plebem* was accomplished within three hours of Cicero's indiscretion at the trial of Antonius.

As soon as Clodius had consolidated his dominion in Rome, he launched his long-delayed attack. In February or March 58 B.C. he brought forward a law which 'debarred from fire and water' (*i.e.* outlawed) 'anyone who had condemned a Roman citizen without trial.' Although couched in general terms, this measure was clearly designed to meet a particular case. Cicero, who had shown signs of uneasiness in 59 B.C., but had been half reassured by encouraging answers to anxious inquiries from all three dynasts, now made frantic efforts to avert the blow. He sent entreaties to Caesar and cast himself at Pompey's feet; he sought the aid of the new consuls, of whom A. Gabinius was the trusted lieutenant of Pompey, and L. Calpurnius Piso the father-in-law of Caesar's last wife; he extended his supplications to passers-by in the streets of Rome; he even played with the idea of rousing all Italy to a crusade against the coalition. In return Cicero received expressions of sympathy from every side, and we need not doubt that most of them rang true. His steadfast friends the financiers interceded for him; deputations came from all Italy to plead on his behalf; the Senate, honouring its obligations, invited all citizens to put on mourning, and was widely obeyed; a tribune named L. Ninnius undertook to veto Clodius' bill. But all these kindly gestures went for nothing. In answer to the Senate's entreaties Gabinius, who had been won over by Clodius with the promise of a good province to follow his consulship, prohibited the wearing of mourning; Clodius mobilized his private army and drew first blood among the more importunate of Cicero's champions. Caesar, who had spent the first months of 58 B.C. in enrolling recruits for his proconsular army, but as yet showed no hurry to leave the neighbourhood of Rome, gave significant support to his tribune: while he made an obeisance to his own reputation by putting in a plea for mercy, he cast away his previous reserve in roundly affirming that Cicero was guilty. Pompey, who had honestly interceded with Clodius in 59 B.C., but had been duped by false assurances, still had the wish but lacked the nerve to renew his expostulations, and evaded Cicero's appeals by retiring from Rome: the story was put about that he had eluded one attempt at an interview by sneaking out through his back door[1]. Of the senators, Lucullus alone exhorted Cicero to stand his ground; Cato for once put discretion first and advised surrender. On the eve of the vote on Clodius' bill (*c.* March 21st) Cicero left Rome in self-imposed outlawry. A few days later Clodius made the ban compulsory (though perhaps not legally valid) by a second act which forbad Cicero to stay within five hundred miles of Italy and declared illegal all resolutions in favour of his recall. In fact, Cicero remained in exile until the summer of 57 B.C.

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[1] The circumstances of this trial have been much disputed. It seems probable that Antonius underwent one prosecution only, and that the indictment was *maiestas*. The current rumour that he had made an underhand compact to share out his Macedonian plunder with Cicero rests on nothing more than some allusions to a payment which Antonius made to Cicero in February 61 B.C. in satisfaction of a long-standing claim. Most probably this transaction was in redemption of a loan made by Cicero in 63 B.C. In spite of Cicero's advocacy Antonius was found guilty and went into exile.

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[1] Plutarch, *Cicero*, 31; *Pompey*, 46.

But from Caesar's point of view, if not from that of Clodius, the absence of Cicero was less imperative than the removal of Cato. Unable in this case to find any colourable pretext for a prosecution, Clodius got rid of Cato under the semblance of an honourable foreign mission. In 59 B.C. the triumvirs, having settled the Egyptian question, had left in suspense the kindred problem of Cyprus, where a brother of Ptolemy Auletes held the throne by a similar precarious title, but showed less readiness to pay his footing to them. In the following year, being still disappointed of their bribe, they resolved to disavow him. Accordingly Clodius drew up a bill in which Cyprus was declared a Roman province, and Cato was nominated to take over from the dispossessed king. Though this method of appointment to foreign commands was unusual, its legitimacy was beyond dispute. After a brief demur Cato took his departure and did not reappear in Rome till the end of 56 B.C. In saddling Cato with this bailiff's errand Caesar and Clodius may have nourished a secret hope that he would bring home a damaged reputation. If so, they made a bad speculation, for Cato combined personal integrity with expert knowledge of accounting, and on his return not a flaw could be found in his receivership. Yet if Clodius could not soil Cato's hands, at least he 'plucked out his tongue[1].'

VI. POMPEY'S RALLY

After the departure of Cicero and Cato the triumvirate appeared impregnable by attacks from outside. Clodius' only further task, so it appeared, was to reward himself and his assistants for their exertions. In return for the vigorous support of Gabinius, and the more passive collusion of Piso, Clodius made payment with exemplary promptitude. On the very day on which he carried his first bill against Cicero he also secured the passage of a measure by which Gabinius was invested with Syria and Piso with Macedonia, notwithstanding any alternative arrangements by the Senate. For his own benefit he resumed the traffic in honours with monarchies and cities, his most notorious transaction being the sale of a royal title and the transference of part of Deiotarus' Galatian kingdom to Brogitarus, chieftain of the Trocmi.

But from first to last the chief danger to the triumvirate lay in disruption from inside. This risk had increased since the expulsion of Cicero, for Pompey, who was genuinely uncomfortable at the inglorious part thrust upon him by Caesar and Clodius, soon began to throw out feelers on the subject of his recall (May 58 B.C.). Clodius, as Caesar's appointed watchdog, was on the alert for signs of Pompey's defection; but in rounding upon Pompey and seeking to bury his teeth in him he went beyond his proper part. With an army of trained rioters at his back, he could safely defy Pompey, whose veterans had by now been drafted away from Rome, and his sense of omnipotence overbore his loyalty to Caesar. In reply to Pompey's first signs of impatience he contrived the escape of the younger Tigranes, son of the Armenian king, whom Pompey had lodged as a hostage in the house of the praetor Flavius, and in a skirmish on the Via Appia he defeated Flavius' attempt at pursuit. He next turned upon his former accomplice Gabinius, who had obeyed Pompey's call for help, and met his remonstrances by breaking his fasces. In August 58 B.C. he introduced an armed slave into the Senate, ostensibly to murder Pompey, and accomplished his real purpose of scaring him so well as to pen him up for the rest of the year in his private house like a second Bibulus. In consequence, Pompey's agitation on Cicero's behalf remained abortive. On June 1st the tribune Ninnius had raised the question of his recall in the Senate, and in Clodius' temporary absence had obtained its unanimous consent; but he did not venture to follow up this resolution with a bill in the Concilium Plebis. On October 29th a group of eight tribunes presented a measure to the Comitia, but for fear of offending Clodius they drafted it with such excess of caution as to stultify themselves, and the bill was withdrawn.

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[1] Cicero, *pro Sestio*, 28, 60.

In 57 B.C., however, the balance of power gradually tilted against Clodius. Of the new magistrates, the consul Lentulus Spinther and the tribune Sestius had been useful servants of Cicero in the Catilinarian crisis and now became his staunch supporters. But the main cause of Clodius' defeat was a rally by Pompey, who at last devised effective means of counter-attack. His first step was to assist a free-lance tribune named T. Annius Milo to collect a corps of retainers for service against Clodius. Later in the year Pompey made a general appeal to the Italians to take up Cicero's cause by passing resolutions on his behalf in their municipal assemblies, or by attendance at Rome, and he paid a personal visit to his veterans at Capua in order to secure their co-operation. This enlistment of the countryside Italians was a winning move, for among them Pompey's prestige still stood high, and recruits for a decisive tussle in the Forum flocked into Rome. The visible sign of Pompey's victory was Cicero's return in September 57 B.C.

In January Cicero's supporters had again brought his case before the Senate, but Clodius prepared an 'eighteenth Brumaire' for the meeting by turning upon it a band of gladiators borrowed from his brother, the praetor Appius Claudius. At the same time a battle in the Forum, where the followers of Clodius and Milo appear to have been the protagonists, resulted in such slaughter that the pavement had to be swabbed clean of blood, and the town sewers were choked with corpses. Soon after this affray Sestius was set upon by Clodius' bravoes and only escaped the finishing blow by shamming dead. But in July, under the joint protection of Milo's bands and of Pompey's stalwarts from Italy, liberty of speech was restored. On the motion of Lentulus Spinther the Senate approved of Cicero's recall with 416 votes against Clodius' solitary dissent, and a few days later, on August 4th, the Comitia Centuriata definitely sanctioned his return[1]. On September 9th Cicero was received back in Rome amid general acclamation.

Henceforward Clodius was politically a spent force. It is true that he kept his bands together and occasionally sprang a surprise upon unwary opponents. In October 57 B.C. he burnt down Q. Cicero's house and all but succeeded in serving Milo likewise. But for these victories he nearly paid with his life, for in one chance encounter he was cornered by Cicero's escort and owed his escape to nothing but a whim of his enemy. His only other claim to our notice is a semi-comic tournament of lawsuits with which he and Milo belaboured each other in 57 and 56 B.C. Early in 57 B.C. Clodius was prosecuted by Milo for breach of the peace, but at one and the same time he proved Milo's case and non-suited him by breaking up the court. At the end of the year, when Milo was in the ascendant, the accusation was renewed, but Clodius evaded it by constitutional obstruction. In 56 B.C. Clodius made Milo a defendant on the same charge, but in his turn was defeated by continual postponements[2].

Three days after his joyous re-entry into Rome Cicero took the lead in a senatorial debate on a new crisis which recalled the worst days of the pirate wars. Rome was afflicted by an unforeseen famine, and an angry mob was threatening the Senate with a general massacre. At Cicero's suggestion the Senate recommended that Pompey be appointed food dictator, and the consuls carried through the Comitia Centuriata a law conferring upon him wide powers to purchase corn and charter transport for a term of five years. Given this clear lead and ample executive authority, Pompey showed a flash of his pristine energy and gathered in corn as vigorously as once he had rounded up pirates. Defying the elements with a phrase that sailor people still cherish, 'necesse est navigare, vivere non est necesse,' he made winter voyages to Sicily, Sardinia and Africa and replenished Rome's granaries before the next harvest.

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[1] It is not certain whether the Comitia simply overrode the previous acts against Cicero, or whether, as seems more likely, it declared them ineffective on the ground that no banishment could be valid unless it followed upon a proper judicial trial.

[2] The problems in which these lawsuits are involved have been elucidated by Ed. Meyer, *Caesars Monarchie*, 2nd ed. p. 109, n. 3.

If Rome's swift recovery from scarcity may be credited to Pompey's exertions, its sudden plunge into famine is not so easy to explain. Indeed only a few days previously the word was going round that the gods were blessing Cicero's return with bounteous supplies of food[1]. Was the shortage due to natural causes or to a preconcerted cornering of stocks? It was openly said by Clodius that the crisis had been engineered by Pompey for his own aggrandisement[2]. But Pompey was not Crassus; granted that he was hankering after a dictatorship, he was utterly lacking in the experience required for manipulating the grain trade on a world-wide scale. We may rather believe Cicero, who threw part of the blame on commercial speculators[3]. After the success of the tax-farmers in squeezing the triumvirs, it would not be surprising if the corn-dealers organized an artificial scarcity in the hope of dictating their terms to the food-dictator. But if such was their aim, Pompey defeated it by his sudden visit to the countries of supply and his rapid mobilization of transport. In any event, it seems clear that Pompey took his opportunity rather than made it.

But the main problem of the food crisis turns on a rival motion which a tribune named C. Messius brought before the Senate. In addition to the financial powers which the consular bill conferred upon him, Messius proposed to invest Pompey with authority to levy troops and warships, and with 'maius imperium' (overriding control) over all provincial governors. The extravagance of these terms, which went beyond the wildest provisions of Rullus' land-law, ensured their immediate defeat. Nevertheless Messius' motion has often been taken to represent the real measure of Pompey's ambitions. In that case his proposal was of high significance, for it would mean that Pompey was casting about for a military command to counterbalance Caesar's power. But had Pompey desired a new imperium, he would surely have asked for it

[1] Cicero, *Oratio post Red., ad Quir.*, 8, 18.

[2] Plutarch, *Pompey*, 49.

[3] *de domo sua*, 5, 11.

on grounds less manifestly absurd. With far better reason he could have drawn attention to the war clouds on the Parthian horizon, or have pressed his own case in the 'Egyptian question' which presented itself in 57–6 B.C. It appears most probable that Messius' kite was not flown by Pompey's orders, but was an unauthorized speculation by a free-lance tribune.

Another test case of Pompey's attitude was presented by the recrudescence of trouble in Egypt. At the end of 58 B.C. Ptolemy Auletes ran away from his irate subjects in Alexandria, who resented the new taxes imposed by the king in order to pay off his debt to the triumvirs. The fugitive monarch came to Rome and pressed his claim for reinstatement upon Pompey. In his wake a deputation of one hundred Alexandrians set out to present a counter-plea to the Senate. But the greater number of these was spirited away on the journey by magic of gold or of cold steel; and the same fate befel their leader Dio, who actually reached Rome and was summoned before the Senate, but was made safe with a bribe, and doubly safe with a dagger. Thus the case went by default in favour of Ptolemy, and the Senate commissioned the consul Lentulus Spinther, who was due to proceed to Cilicia in 56 B.C., to force the Egyptian James the Second back upon his subjects. But at the beginning of 56 B.C. a new situation was created by a flash of lightning which struck the statue of Juppiter on the Alban Mount. The custodians of the Sibylline Books, on being consulted as to the proper means of expiation, opportunely discovered an oracle forbidding the restoration of an Egyptian king 'with a multitude,' which being interpreted meant 'with armed force.' Upon publication of this advice the Senate decided that Roman intervention in Egypt must be purely diplomatic, and reconsidered its previous resolution on behalf of Lentulus Spinther. While Spinther's claims were upheld by Cicero, those of Pompey were now put forward by a few of his friends. Others again suggested that Roman authority should be put into commission among three envoys of equal powers. Lastly, Crassus put out feelers on his own behalf through the agency of Clodius, who made propaganda for his patron in the Forum (January–February 56 B.C.). These conflicting counsels served the Senate as an excuse for shelving the whole question. Ptolemy, who had left Rome in anticipation of a speedy reinstatement, remained on his travels until 55 B.C.

From this Egyptian imbroglio two points of special interest emerge. The first consists in Pompey's failure to obtain for himself the mandate to restore Ptolemy. The king himself made no concealment of the fact that he expected no less a person to escort him back, and current opinion in Rome confidently assumed that Pompey coveted the appointment. Though personal feuds between Lentulus Spinther and other nobles no doubt influenced its decision, it is probable that the Senate's action in first demilitarizing the mission to Egypt and finally abandoning it altogether, was largely inspired by a desire to thwart Pompey's real or supposed ambitions. Yet Pompey never pressed his claims during the senatorial discussions of 56 B.C., and what is more strange, he offered no opposition to the appointment of Lentulus Spinther in the previous year. Had he made a firm request for a military command at the outset, it is difficult to see how the Senate, in view of his manifestly superior qualifications for the task, could have passed him over. An unprejudiced consideration of Pompey's demeanour in regard to the Egyptian question must lead us to infer that, contrary to the prevalent belief, his military ambitions still lay dormant. It may be assumed that his friends in the Senate, to whom Pompey never gave any overt support, followed the example of Messius in making proposals on their own initiative.

The other important feature in the Egyptian debates is the recrudescence of conflict between Pompey and Crassus. When Crassus entered the field of competition for the mission to Alexandria, he treated Pompey as a rival. Thus he renewed hostilities upon which Caesar had imposed a truce, but not a lasting peace.

VII. THE CRISIS IN THE TRIUMVIRATE

In the triangular pull of forces within the triumvirate, while Crassus might on occasion be the 'momentum rerum,' the major influences were the mutual affinities and repulsions between Caesar and Pompey. In 58 and 57 B.C. the banishment of Cicero and Clodius' boisterous methods of preventing his reinstatement had given Pompey reason enough for discontent with Caesar, who was ultimately responsible for these slights upon his partner. Hence one of his advisers, Q. Terentius Culleo, prompted him to divorce Julia and to desert the cause of Caesar for that of the Senate. But Pompey, who had good reason to believe that if he were to renew his overtures to the Senate he would merely expose himself to a second rebuff, was unprepared for such a plunge. Nay rather, he followed a studiously correct course in his dealings with Caesar. Though he could safely have forced Caesar's hand on the question of Cicero's recall, he sent Sestius at an early date (August–September 57 B.C.) to win Caesar's consent, and he carried out Caesar's stipulation that some guarantee must be found for Cicero's future behaviour by exacting a pledge of his good conduct from his brother Quintus. Thus the triumvirate, in spite of Caesar's departure, showed signs of continued stability until the early months of 56 B.C., when Crassus began to exert a disturbing influence. Though he abstained, as usual, from any overt opposition to Pompey, he heaped insults upon him through the agency of Clodius. Nay more, with his patron's connivance or direct encouragement, Clodius mobilized his bands against Pompey and would no doubt have repeated the incidents of 58 B.C., had not Milo's forces been at hand to check him. Under these affronts Pompey suddenly lost patience. Before the Senate he accused Crassus of planning his murder, thus overtly proclaiming a rift in the coalition. This public explosion of Pompey precipitated an immediate crisis, for it gave the signal for an attack upon the dynasts from outside.

This improvised campaign against the coalition comprised a sapping operation and a frontal assault. The undermining manœuvre was initiated by Cicero, who had always realized that the best method of destroying the triumvirate was by disintegrating it, and now staked his career on his chance. After the first outbursts of exultation upon his return Cicero soon settled down into a mood of caution and made it his guiding principle in politics not to offend anybody. But in March 56 B.C., while engaged in the defence of his benefactor Sestius on a charge of breach of the peace, he went out of his way to make a sustained attack on Caesar's henchmen Clodius and Vatinius[1]. Soon after this trial he re-opened in the Senate the question of Caesar's Campanian land law. Though the terms of his reference to this measure are unknown, it is fairly certain that they were so framed as to attack Caesar's interests while safeguarding those of Pompey: in a word, Cicero was endeavouring to drive a wedge between Caesar and Pompey[2]. The frontal assault was delivered by a nobleman named L. Domitius Ahenobarbus, who had taken a leading part against Caesar in 59 and 58 B.C. Standing as a candidate for the consulship of 55 B.C., Domitius announced that he would use his consular authority to deprive Caesar of his provinces. It is uncertain whether Domitius intended to recall Caesar at or before the expiry of his legal term; in any case, since events in Gaul had shown that Caesar would require an extension of his quinquennium in order to complete the work of conquest, Domitius was threatening the proconsul's interests at a vital point.

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[1] For a full analysis of Cicero's intentions in his speeches Pro Sestio and In Vatinium, see L. G. Pocock, *A Commentary on Cicero In Vatinium.*

[2] In December 57 B.C. a partisan of Pompey named Lupus had initiated an abortive debate on the same issue (Cicero, *ad Q.F.* II, I, I).

There can be little doubt that these moves by Cicero and Domitius were based on the expectation that Pompey in his present mood would connive at the assault upon his colleagues, and that this exhibition of disloyalty would in effect be the death of the triumvirate. Their plan was not ill conceived, but whatever chances of success it might have possessed were set at nought by its being put into execution too soon. At the time when their attack was launched the key of the situation lay not in Pompey's hands, but in Caesar's. According to his usual custom, Caesar had recrossed the Alps at the end of the previous campaigning season and had spent the winter in his Cisalpine province. In April 56 B.C. he was at Ravenna, within a week's journey of Rome, and he had recently been posted up about the coming crisis by Clodius' brother Appius Claudius.

It has been suggested that if Caesar had made a pretext of the situation at Rome to cast Pompey and Crassus aside as disloyal or incompetent, and to fix a quarrel upon the Senate, he could have carried the city in the same manner as Octavian in 43 B.C., and have established his autocracy there and then. We may ask in reply whether Caesar's army, which at that time was still a long way from the perfection which it attained in the days of the Civil Wars, could have coped with a *levée en masse* under Pompey's leadership in defence of the Republic. On such an issue, might Caesar not have played Lepidus to Pompey's Catulus? But such speculations are otiose. It is extremely doubtful whether Caesar in 56 B.C., or even in 49 B.C., had any intention of turning autocrat. On the other hand it is clear that he was firmly determined to complete the conquest of Gaul, and that he had no mind to sacrifice this object to the prospects, however alluring, of a short cut to royalty. Therefore instead of disavowing his colleagues he invited them to a joint conference. Crassus at once went to meet Caesar, but Pompey was more deliberate. To facilitate matters for Pompey, who was about to proceed to Pisa in the course of a voyage to the Sardinian cornfields, Caesar crossed the Apennines to the neighbouring town of Luca, which lay in a transmontane pocket of Cisalpine Gaul, bringing Crassus with him. It is not known whether Pompey's delay arose from a fugitive thought of breaking with his partners or from some more trivial cause. In any case, he eventually went to Luca. In the wake of Crassus and Pompey followed a bevy of lesser politicians: it is said that 120 senators and 200 lictors attached to urban or provincial magistrates were counted in that obscure town. But these hangers-on merely waited on the decisions of the three principals, who held their deliberations in secret conclave. After a brief conference (*c.* April 15th) Caesar hurried back to Gaul, leaving the execution of the new resolutions to Pompey and Crassus.

Immediately after the meeting at Luca Pompey sent a polite message to Cicero, inviting him to postpone his motion on the subject of the Campanian land-law. Cicero at once acknowledged defeat by abandoning his motion altogether. But he was not let off with this prompt surrender. While his brother Quintus was drafted to Caesar's staff as a liaison officer, the orator was required to place his services at the triumvirs' permanent disposal. This captivity proved a severe test of his endurance; yet in response to tactful treatment—for both Pompey and Caesar sugared his pill by conveying their commands in the form of requests—he submitted with outward good grace. On the rare occasions of his return to the political arena Cicero appeared as a spokesman of the triumvirs. In June 56 B.C. he made a notable speech (*De provinciis consularibus*) before the Senate, supporting Caesar's claim not to be superseded in Gaul on the expiry of his legal term; in 54 B.C. he made amends for his earlier outbursts against Vatinius and Gabinius by pleading for them in the courts; in the years from 52 to 49 B.C. he played an intermittent but not wholly abortive part as a mediator between Caesar and Pompey.

Domitius on the other hand was not defeated without a struggle. In order to head him off the consulship, it had been arranged at Luca that Pompey and Crassus should become rival candidates, but the consul, Cn. Lentulus Marcellinus, refused their names on the pretext that they had been given in too late. By way of outflanking Marcellinus, Pompey and Crassus suborned a tribune to veto the elections for the rest of his consulship. In January 55 B.C., under a more complaisant 'interrex,' they were admitted to the polls, and their return was made safe by a strong detachment of Caesar's soldiers on furlough, who canvassed on their behalf with forcible persuasiveness. As a further precaution, Pompey misused his authority as augur to impede the candidature of Cato, who had returned from Cyprus in time to sue for a praetorship. The riots attendant on these elections did not pass without casualties on either side. Returning one day from the Forum with a bloodstained toga, Pompey gave Julia a shock which led to a miscarriage and probably helped to bring about her premature death in 54 B.C.

For the time being the rift in the coalition had been closed, and the opposition had been paralysed no less effectively than in 59 B.C. The road was now clear for Pompey and Crassus to make Caesar's position in Gaul secure and to take their fee for this service, in accordance with the pledges exchanged at Luca. But the fundamental causes of dissension between the partners remained, and the very legislation which was designed to safeguard Caesar and to bind Pompey to him had the eventual effect of rousing their rival ambitions and of kindling their mutual suspicions. The power of Caesar was increased to match his ambition by the completion of his conquest of Gaul, while Crassus, who might have prevented the coalition from becoming a rivalry, was destined to meet his death in Syria. Thus the course of events in the North and in the East became critical for the history of the Republic, and, for the moment, the scene shifts to Gaul and Parthia.

CHAPTER XIII

THE CONQUEST OF GAUL

I. THE CIVILIZATION AND RELIGION OF THE GAULS AND BRITONS IN THE FIRST CENTURY B.C.

THE material civilization of the Celts had entered upon a new phase towards the end of the second century B.C.; this phase, which continues almost to the end of the first century B.C., was the final stage of the La Tène Culture on the continent, though that culture continued to develop in Britain after the Romanization of Gaul. This Late La Tène period was preceded by the arrival in northern Gaul of Celts from the east of the Rhine, the Belgae, who brought to an end the long-established Marne culture; some elements of the older civilization survived in this area, notably certain fashions in pottery[1]. The Belgae practised cremation, which owing to their influence and that of the Romans in the south-east gradually supplanted inhumation as the customary rite in Gaul; in their sepultures they placed the

Note. For sections III–VI of this chapter the only independent authority is Caesar's *Commentarii de Bello Gallico*, books I–VII; the variants from this account in later writers, *e.g.* Dio, are undoubtedly due to critical reconstruction or mere invention, when they are not simply blunders. The dates of composition and publication of the separate books are still disputed; the view here adopted is that Caesar wrote the work as a whole after the campaign of 52 B.C., basing it on his yearly reports to the Senate, which were only partially revised before inclusion in his narrative. The authenticity of the geographical excursuses in the *B.G.* was attacked by Klotz (*Cäsarstudien*, 1910) but has been convincingly maintained by R. Koller (*Wiener Studien*, XXXVI, 1914, pp. 140–163). Caesar's account of events is accepted in this chapter as trustworthy, but the motives alleged by him for his actions have to be carefully examined, and some of the numbers for opposing armies given by him on his own authority or on that of others require revision. Section VII is based on the continuation of Caesar's narrative by his friend Hirtius (*B.G.* VIII); the amount of the tribute imposed on Gaul is given by Suetonius, *Divus Iulius*, 25, 1 and Eutropius, VI, 17, 3. For section I the authorities are Caesar (*B.G.* VI, 13–20 and *passim*), Diodorus (V, 21–22 and 25–32) and Strabo, book IV, supplemented by archaeological evidence. The account in section II is mainly a reconstruction from disconnected passages in Caesar (*B.G.* I, 2–6, 31, 35, and VI, 12). For earlier Celtic civilization see vol. VII, chap. II.

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[1] Jullian's view that the Marne burials are to be dated after the arrival of the Belgae and used as evidence for their culture cannot be accepted.

ashes of the dead in cinerary urns of earthenware, some of which resemble a distinctive type of Marne domestic pottery, the pedestal urn. When the Belgae began to penetrate into south-eastern Britain at the beginning of the first century B.C., they took with them the practice of cremation and the use of the pedestal urn, of which specimens have been found at Aylesford in Kent and elsewhere (see vol. VII, p. 70 and below, p. 539, n. 4)[1].

Before the end of the second century B.C. the Celts of Gaul were on the defensive; the Celtic states in south-eastern Gaul had been conquered and annexed by the Romans in 121 B.C., and beyond the Rhine Teutonic tribes were advancing steadily southwards and driving before them the Celts settled to the east of the river. Fresh wounds were inflicted on the resources and prosperity of the Celts by the invasion of the Cimbri and Teutoni (pp. 140 *sqq.*), and their impoverishment is shown by the poor furniture of the burials in this period. The Late La Tène Culture is mainly illustrated by the finds from the various town-sites which have been excavated, especially Alise-Sainte-Reine (Alesia), and Mont Beuvray (Bibracte, the chief town of the Aedui); such sites have yielded a great variety of iron agricultural implements and domestic utensils. The development of town-life and industrial activity in this period is noteworthy, and the previous similarity between the industrial products of the various groups of the continental Celts is now intensified; thus objects from Bibracte are closely paralleled by those found in the Boian settlement at Stradonitz in Bohemia.

As in the previous La Tène periods, the swords and brooches continue to be distinctive and valuable for dating[2]. The typical sword of this period is long and double-edged, as before, but is now rounded at the end, not pointed, and the sword-guard, when it occurs, is usually straight; the scabbard has a straight mouth and a rounded chape. The brooches show a greater variety in details than before, but in all of them the foot is joined to the bow to form a triangular frame, the upper part of which forms a continuous curve with the bow. The use of red enamel for decoration is now common, the enamel being applied to the heads of nails which were then attached to the objects to be decorated; at first the head of the nail was completely covered with the enamel, but in the more developed technique it was crossed by two deep grooves at right angles which were filled with the enamel, making a cruciform decoration; this was probably the origin of the *champlevé* process among the Celts, later carried much farther in the British Isles. Most of the painted vases which occur at Bibracte and other places in Central Gaul, the decoration of which corresponds with that of vases from Stradonitz, are ascribed[1] to the second half of the first century B.C., after the Roman conquest of Gaul; the abundant common pottery of the period is still mainly hand-made and often rough in execution. Agriculture was now well developed in Gaul, and commerce was facilitated by the excellent natural waterways and by a system of good roads. The commercial activity of this period is attested by the numerous coins; imitations of Roman coins, often with Latin lettering[2], and original Gallic types, sometimes fantastic in design, appear side by side with the older crude imitations of Greek coins[3].

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[1] See Volume of Plates iv, 14, *a*.

[2] *Ib.* iv, 14, *b*.

The history of the Celts in Britain before Caesar's invasions is obscure; it is usually assumed that P-Celts had invaded the country before the middle of the fourth century, and that their arrival had been preceded by invasions of the Q-Celts (cf. vol. II, p. 34; VII, p. 53). The chief finds of Early La Tène objects in England come from Wessex (especially Wiltshire) and from burials in Yorkshire; Wessex may have been invaded by settlers from south-west Gaul, but the origin of the people represented by the chariot-burials in Yorkshire is obscure. At the time of Caesar's invasion the interior of the island was held by tribes who were believed to be descendants of the original inhabitants, but the coast districts near Gaul had now been occupied by Belgae from across the Channel. Belgic settlers began to penetrate into south-eastern Britain during the period 100–60 B.C., but there was no extensive displacement of population[4]. A Belgic chief, Diviciacus, ruler of the Suessiones in Gaul, brought part of Britain under his control[5] (*c.* 80 B.C.); his conquests were lost after his death, but the Belgae of Britain continued to maintain connections in commerce and friendships with their continental kinsmen.

The political development of the Celts is shown in their tendency to unite into larger groups, to combine the various *pagi* into *civitates*. This development was most pronounced in Central Gaul, while the smaller units tended to persist in Aquitania, and also in Britain, where the attempt to form larger unions is only just beginning at the time of Caesar's invasions. The more powerful

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[1] By Déchelette, *Manuel d'Archéologie*, II, 3, p. 1493; see Volume of Plates iv, 16. [2] Volume of Plates iv, 10, *k*, *l*, *m*. [3] *Ib.* iii, 16, *f–i*.

[4] This view is based on the distribution of certain types of pottery found in the burial grounds excavated at Aylesford and Swarling; see the report on the Swarling site by J. P. Bushe-Fox (cited in the bibliography).

[5] Caesar, *B.G.* II, 4. 7.

civitates of Gaul, the Aedui and Arverni, moreover, had other states attached to them in relationships varying from alliance to subjection, ties summed up by Caesar in the term *clientela*, but these wider unions were an obstacle rather than a help to the complete unification of Gaul, as they perpetuated on a larger scale the internal dissensions which were the curse of Gallic political life. A further sign of the political development of the Gauls is the transition from kingship to aristocracy; aristocracy had prevailed in most of the states in Central Gaul, but kingship survived in Britain and some of the Belgic tribes. Yet the aristocratic governments, usually consisting in a Senate of nobles and one or more annual magistrates, were unstable and frequently threatened by the ambition of powerful chiefs; excellent laws were passed to limit the opportunities of such adventurers, but the governments were usually quite unable to enforce them.

The insecurity of the state governments was enhanced by the structure of Gallic society in this period. Wealth and political power were shared between the nobles (called *equites* by Caesar) and the Gallic hierarchy, the Druids; the free cultivators and artisans had been reduced, probably by the establishment of private property in land and by the substitution of currency for barter, to a position little better than that of the slaves, and often bound themselves in a kind of serfdom to the rich, who gave them in return the benefit of their protection. The nobles vied with each other in the number of their retainers, slave and free, and were able to defy the weaker authority of the magistrates.

The military organization of the Gauls was largely influenced by their social conditions. In the majority of states the most important arm was the cavalry, composed of the nobles and the most warlike of their retainers; early in the first century Posidonius had found the war chariot still in use among the Gauls, but it had been entirely superseded by the cavalry on the continent before Caesar's arrival, though it retained its former importance among the Belgic tribes in Britain. The infantry had formed the main strength of Celtic armies in an earlier period, and in some states, such as the Helvetii, who were trained in constant border warfare with the Germans, and the Nervii, who had no cavalry, the infantry was still formidable, but these two were the only tribes who offered serious resistance to Caesar's legionaries in the open field. In the states of Central Gaul the infantry was mainly composed of the lower classes of society, probably containing a large admixture of the pre-Celtic population, and had been allowed to degenerate into an unwieldy and useless mob; the Belgic tribes of the north were better soldiers, as they were more remote from the enervating influences of civilization. The Gauls in general had declined as a military power during the last two centuries; their armies had been mainly employed in the frequent civil wars between tribes or groups of tribes, which had failed to produce any improvements in weapons or tactics. Their strategy was still of the crudest type; as their temperament was unsuited to the fatigue and delay of a long campaign, their only idea was to force on a pitched battle as soon as possible. When the armies of several states combined for a temporary object, their efforts were largely nullified by the utter inadequacy of their organization, especially in the department of supply, the neglect of which caused the premature dispersion of more than one Gallic army. So the advantage which the possession of a large and warlike population ought to have conferred on the Gauls in the coming struggle was diminished by their decline in the art of war and their inability to place the welfare of the nation above the prosecution of their internecine quarrels.

The religion of the Gauls before the Roman conquest can only be described in general terms, as most of our information about Gallic religion comes from the Roman period, when it had been greatly modified by the assimilation of Gallic to Roman cults. Caesar mentions six important gods in the Celtic pantheon, equated by him with Mercury, Apollo, Mars, Juppiter, Minerva, and Dispater, but the native names of these deities are not given, and it is doubtful whether the equations are more than a very rough approximation. Lucan mentions three gods, Teutates, Esus, and Taranis, as those to whom human victims were sacrificed; they may perhaps be identified as the Gallic Mercury, Mars, and Juppiter, but there is no evidence for the view that they were worshipped as a triad. All identifications are deceptive, as popular ideas about the high gods must have varied from one region to another, though some approach to a uniform theology may have been promoted by the Druids. It seems probable that the Celts had no cult of an Earth-goddess; her place was taken by Dispater, but a native Earth-goddess of the pre-Celtic population of Gaul may be traced in Aeracura, associated in some Gallo-Roman inscriptions with Dispater, or in the cult, so popular later, of the Deae Matres. Various war-gods are identified in inscriptions with Mars, and such war-gods would be popular with the Celts of an earlier period, while the greater popularity in Caesar's time of gods equated with Mercury may be evidence of the progress made by the Gauls in the arts of peace; the two gods may be the same god in different stages of development, as the scholiast on Lucan identifies Teutates with both Mars and Mercury. Apollo is equated sometimes with Belenus, probably a sun-god, sometimes with the gods of healing springs, Grannus and Borvo. Taranis appears to have been a thunder-god, identified as such with Juppiter, while the counterpart of Minerva as inventress of arts and crafts may be found in Brigantia (Brigit), though she was doubtless identified with other goddesses also, such as the mysterious Sul, worshipped at Bath in Roman Britain.

Most of these high gods were probably introduced into Gaul by the Celts; but they adopted from the earlier inhabitants the multitudinous cults of the *genii locorum*, the tutelary spirits of springs, streams, rivers, lakes, and sacred mountains, such as that of the Puy de Dôme, worshipped in Roman times as Mercurius Dumias. The cult of trees was common in Aquitania, and the oak-tree was recognized as sacred by the Celts. It is probable that their religion had once included animal worship; but the animals originally worshipped were later reduced to symbols or attributes of divinity: thus the horse became the attribute of the horse-goddess Epona.

The Gauls did not worship in man-made temples, but in sacred groves. It is doubtful whether they made anthropomorphic images of their deities in pre-Roman times; Caesar's statement that the Gauls had numerous images (*simulacra*) is hard to reconcile with the absence of pre-Roman images in Gaul, and is best explained by a passage in Lucan:

simulacraque maesta deorum
arte carent caesisque exstant informia truncis.

Such *simulacra* were evidently of the crudest type, and it has been plausibly maintained that the religious conservatism of the priests successfully opposed the representation of the gods by anthropomorphic images until the Roman conquest.

The Gallic doctrine of immortality is ascribed in the ancient authorities to the teaching of the Gallic priests, the Druids. The best account of this mysterious priesthood is that given by Caesar; it stresses the political power of the Druids, which they shared with the Gallic *equites*, and their absolute control over religion. In Caesar's time the Druids throughout Gaul (this probably includes the Belgic states, possibly not Aquitania) were all members of one organization headed by a supreme Druid who held his supremacy for life. They met regularly every year in the country of the Carnutes, and there held a high court of justice, at which they decided important cases from all parts of Gaul; their decisions were usually accepted, as they could punish refractory individuals and states by the imposition of an interdict, which involved religious and political excommunication. The relation of this jurisdiction to that of the Aeduan *vergobret*, who had the power of life and death in his own state, is not explained by Caesar. The Druids were exempt from military service and taxation, and their power and prestige attracted to the priesthood the sons of the nobles, who sometimes had to serve a novitiate of twenty years before admission to the order. They controlled education; their teaching was oral, and included physical and theological speculation. Their most important doctrine was that of the immortality of the soul[1], which was regarded as an incentive to bravery and contempt of death. There is nothing to show that the Druids were a celibate or monastic priesthood, and the Aeduan Druid Diviciacus was the father of a family and took an active part in politics and warfare.

On the origin of the Druidic teaching Caesar quotes the belief of the Gauls in his time: *disciplina in Britannia reperta atque inde in Galliam translata esse existimatur*[2]; he adds that those who wished to obtain a more thorough knowledge of Druidism went to Britain to study it. This belief may be accepted in a modified form as correct; probably the Celts after their arrival in Gaul had introduced into their religion elements derived from the pre-Celtic population of the land, elements which were common to the religion of the pre-Celtic inhabitants of Britain and survived in Britain to Caesar's time in a purer form than in Gaul[3]. The hypothesis that *disciplina* in the above passage means 'organization' raises more difficulties than it solves; nothing is known about the organization of the British Druids, but they seem to hold a less important position than their brethren in Gaul. If the doctrines taught by the Druids had an earlier origin than the priests who adopted them, it is possible that the organization of the Celtic priests as a corporation may date from about 300 B.C., when the Celts had established their supremacy over Gaul. Perhaps their political power grew with the decline of kingship in Gaul; this would explain the lesser importance of the Druids in the British states, where monarchy was maintained and the ruler retained some control over religious observances.

The influence of the Druids on the development of Celtic religion is obscure; if they really held any doctrine of metempsychosis or reincarnation they certainly failed to convert the masses to their belief, for the popular doctrine presumed the continuance of earthly joys and activities after death:

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[1] It is natural to infer from Caesar's description of the doctrine in *B.G.* VI, 14, 5 (*non interire animas, sed ab aliis post mortem transire ad alios*) that the Druids believed in metempsychosis or reincarnation, but such a conclusion is contrary to most of the evidence (including that of Celtic literature). See vol. VII, p. 72.

[2] *B.G.* VI, 13, 11.

[3] See T. D. Kendrick, *The Druids*, p. 204 *sq*.

> *regit idem spiritus artus*
> *orbe alio: longae, canitis si cognita, vitae*
> *mors media est.* (Lucan, I, 456–8.)

The world of the dead, situated in another region (*orbe alio*), was probably regarded as subterranean, but quite unlike the Greek Hades, for the life of the dead was a richer and happier continuation of their life on earth. Like the Greeks, the Celts apparently distinguished this world of the dead from their Elysium (sometimes conceived as situated in some island far out to the west), which was only accessible to those who were specially favoured by the gods. In general, the Druids seem to have sanctioned with their approval the multifarious cults and deities of the Celts, though they may have encouraged the worship of the high gods and promoted their identification with local deities. Perhaps their religious conservatism may explain the absence of man-made temples and of sculptured images of the gods, and also the continuance of human sacrifices, with which the Druids are expressly connected by Caesar and other writers, some of whom mention as associated with these sacrifices the practice of divination from human victims. This gruesome aspect of the Druidic religion horrified the Greeks and Romans, who had forgotten their own barbaric past; in Gaul the custom of human sacrifice was mainly confined to the execution of criminals and captives and to the offering of human victims in fulfilment of vows.

The political power of the Druids in the first half of the first century B.C. is attested by Caesar, and there is no ground for the assumption that they had lost it to the secular nobility. If they played any part as a body during the conquest of Gaul, Caesar has said nothing of it. His silence may be a deliberate suppression, to conceal the fact that the national party in Gaul had the support of the national priesthood, but it is more probable that the Druidic organization was unable to agree on any common line of action, and that in the great rising of Vercingetorix the Gallic priests, like the Gallic nobles, were hopelessly divided in their allegiance. The Druidic organization was the nearest approach made by the Gauls to some kind of unity, but when the crisis came the bond of a common organization proved weaker than the selfishness of individual members.

II. THE POLITICAL SITUATION IN GAUL BEFORE CAESAR'S ARRIVAL

The victories of Aquae Sextiae and the Raudine plain (p. 149 *sq.*) had been followed by the restoration of Roman authority throughout that part of Transalpine Gaul which had been annexed in 121 B.C.; but although the independent tribes of Central Gaul had been crippled by the barbarian invasions and owed their deliverance entirely to the Roman arms, no attempt was made to bring them within the Roman protectorate, and the Transalpine province was bounded as before by the Rhône on the north and the Cevennes on the north-west. Beyond this frontier the leading tribes were left to pursue without interference the struggle for supremacy in Central Gaul; the Roman government retained its alliance with the Aedui and later conciliated some of the princelings near the frontier by the formal grant of honorific titles, but it was not committed thereby to any action, and during the next forty years it steadily refrained from any intervention in the affairs of independent Gaul.

During this period the Senate had many distractions elsewhere; moreover the states actually subject to Rome in Transalpine Gaul were still restive, and in 77 B.C., encouraged by the successes won by Sertorius in Spain, the whole province rose in open revolt (p. 321). Pompey severely defeated the rebel tribes on his march through the province to Spain, and the rising was finally crushed by M. Fonteius, whose energetic measures made the province a serviceable base of supplies in money, corn, and auxiliaries to the Roman armies in Spain, but involved ruthless exactions from the wretched provincials and forced them to borrow heavily from the Roman moneylenders resident in the province; the provincials were quite unable to repay these loans, and further troubles ensued when the governors intervened on behalf of the moneylenders. The situation of the Allobroges became so desperate that in 63 B.C. they sent envoys to Rome to appeal for the Senate's protection, but although the action of these envoys materially contributed to the detection of the Catilinarian conspirators in Rome, their loyalty secured no concessions from the Senate, and in 61 B.C. the Allobroges revolted against their oppressors. This revolt was attended with some success at first, and it was not until the following year that it was finally crushed by the governor C. Pomptinus and the province once more 'pacified.'

The revolt of the Allobroges was contemporaneous with a fresh development in the affairs of independent Gaul, where the struggle for hegemony between the leading tribes had entered on a new phase. The hegemony in question was merely that of Central Gaul; the tribes in Aquitania, south-west of the Garonne, more akin to the Iberians than to the Celts in race and language, the maritime (Aremorican) tribes of the north-west, and the states in the loose but powerful confederacy of the Belgae in the north (occupying most of the region between the Seine, the Moselle, the Rhine, and the coast) were not affected by the struggle, though the Belgic Bellovaci had an alliance with the Aedui.

In Central Gaul the two leading states, to which most of the others were attached by ties of alliance or subjection, had long been the Aedui and the Arverni. Their rivalry had been decided in favour of the Aedui by the Roman intervention against the Arverni in 121 B.C., and though there may have been a brief revival of Arvernian power under the leadership of Celtillus, father of the famous Vercingetorix, about 80, it was of short duration, and the Aedui soon recovered their hegemony. The next challenge to their position came from their eastern neighbours, the Sequani, who had frequently disputed with them the right to collect the important tolls on the Saône and now took the dangerous step of calling in foreign aid to overcome their opponents; they appealed to Ariovistus, the leader of a German host beyond the Rhine, who was to be rewarded with the plain of Upper Alsace, part of the Sequanian territory. The date of his first appearance in Gaul is uncertain, but that usually given, 71 B.C.[1], seems too early, as it was not until 61 that the Aedui, after several defeats by the Germans and Sequani, were completely crushed in the battle of Admagetobriga, and compelled to give hostages to the Sequani and accede to their demands, while Ariovistus and his men occupied the promised lands in Alsace.

The sequence of events at this stage is obscure, but it is probable that the battle of Admagetobriga was the decisive factor which produced a chain of consequences leading ultimately to Caesar's intervention in Central Gaul. At first, however, the Senate offered little encouragement to the Aeduan Druid Diviciacus, who came to Rome after Admagetobriga and implored the Senate to give military aid to its Aeduan 'allies'; the Senate merely passed a decree in general terms towards the end of 61 B.C. recommending the present governor of Transalpine Gaul and his successors to protect the interests of the Aedui and other friends of Rome so far as such protection might be compatible with his duty to his province. As the governor was now fully occupied with the

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[1] The date is an unjustifiable inference from Caesar, *B.G.* I, 36, 7.

Allobrogian revolt, the Senate's decree was equivalent to a polite refusal of Diviciacus' appeal.

Meanwhile another party among the Aedui, led by his brother Dumnorix, was intriguing elsewhere. The four cantons of the Helvetii had been compelled by German tribes some fifty years before to abandon their last possessions on the right bank of the Rhine, and even in their present territory (roughly co-extensive with the modern Switzerland) they were subject to constant pressure from the Germans. It may have been the Aeduan defeat at Admagetobriga and the prospect of Ariovistus' Germans as neighbours on the left bank of the Rhine that induced them to accept the proposal made by Orgetorix, one of their leading men, to emigrate in a body from their land and carve out a new territory for themselves by the Atlantic between the Loire and the Garonne; the preparations were to take two clear years, and the date of the emigration was fixed for the spring of 58 B.C. After this decision was made Orgetorix went on a diplomatic mission to certain states in Central Gaul, during which, in concert with the Aeduan Dumnorix and a Sequanian called Casticus, he formed a plan to make the Helvetian emigration a means to further objects: he was to use his influence to make himself king of the Helvetii; then to assist his confederates to seize the supreme power in their respective states; finally, the three states were to form a close alliance which would ensure their supremacy in Central Gaul. If this scheme had ulterior objects, they can only be conjectured; it may seem clear enough now that the confederates could only establish their supremacy in Gaul by the expulsion of Ariovistus, but it would be rash to assume that this was equally clear at the time, when the designs of Ariovistus may still have been unknown. In any case the scheme was wrecked at the outset, for the Helvetians speedily discovered Orgetorix' plot to make himself their king, and only his sudden death saved him from their vengeance. It is unlikely that the secret plan concerted with Dumnorix and Casticus survived its author, but Dumnorix was careful to maintain good relations with the Helvetii, whose decision to emigrate remained unaffected by the death of Orgetorix.

The preparations made by the Helvetii for their exodus stirred the Roman Senate for a moment from its customary indifference to the affairs of independent Gaul; in February or early in March, 60 B.C., a report arrived in Rome that the Helvetii were in arms and making raids into the Transalpine province. This report, probably exaggerated, roused the Senate to energetic measures; the consuls drew lots for the two Gallic provinces, Cisalpina falling to Afranius and Transalpina to Metellus Celer, troops were levied, and three senators were to be sent to the Gallic states to dissuade them from joining the Helvetii[1]. The alarm subsided as rapidly as it had arisen, for by May Cicero was able to inform his friend Atticus that Gaul was peaceful again and that Metellus was annoyed at this disappointment to his ambitions[2].

Early in the following year, 59 B.C., a new development in the situation ensued: Ariovistus had decided to secure Roman recognition of his position in Gaul, and his representatives now appeared in Rome, bringing gifts to Metellus Celer, who had ceased to be consul but had not yet set out for his province of Transalpine Gaul[3]. The object of their mission was successfully attained, for during this year Ariovistus was formally recognized by the Senate as 'king' and 'friend of the Roman People.' This recognition is ascribed by the secondary authorities to the advocacy of Caesar, who after the sudden death of Metellus secured the reversion of his province from the Senate, and though their testimony on such a point has no independent value it is probably correct. Most of Caesar's own statements about his share in the transaction are strangely vague, but they were made later when his attitude to Ariovistus had changed, and in one place[4] he seems to admit that he was responsible for inducing the Senate to grant Ariovistus' request.

The motives which prompted the grant of recognition to Ariovistus are obscure, and modern attempts to discover them have erred from excessive ingenuity; unless the Romans were prepared to intervene vigorously on behalf of their Aeduan allies there was really no valid reason for refusing to accept the new situation, while Caesar must have thought it worth while to conciliate Ariovistus and to secure his neutrality if not his active support. The recognition actually committed the Roman government to nothing beyond an acknowledgement of Ariovistus' claim to his present territories, for the Roman alliance with the Aedui was still nominally in force, but it completely misled the German leader, who seems to have regarded it as an authorization to extend his power in Central Gaul; he began to treat the Sequani as subjects rather than allies, and when he was joined by fresh bands of Germans from beyond the Rhine he demanded further grants of lands for the settlement of the newcomers. A new westward movement of the Germanic peoples was beginning, but at first Roman statesmen seemed ignorant of the interests at stake; their alarm had been excited by the Helvetian menace, but the remoter danger from Ariovistus remained unsuspected.

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[1] Cicero, *ad Att.* I, 19, 2.

[2] Pliny, *N.H.* II, 170.

[3] *ad Att.* I, 20, 5.

[4] *B.G.* I, 43, 5.

Such was the situation beyond the Alps when Pompey persuaded the Senate in 59 B.C. (June) to confer on Caesar the Transalpine province left vacant by the death of Metellus, in addition to the provinces of Cisalpine Gaul and Illyricum which he had already received for five years from the people by the Lex Vatinia (in May)[1]. Although the death of Metellus (early in April) probably preceded the introduction of the Lex Vatinia, it is obvious that the addition of Transalpine Gaul to Caesar's command cannot have been contemplated in the original plans of the triumvirs; Caesar must have obtained the promise of a province in his first compact with Pompey and Crassus, though the necessity of satisfying first the demands of his partners delayed the introduction of the Lex Vatinia till May. It is likely, though less certain, that Cisalpine Gaul and Illyricum had been the provinces originally chosen by Caesar; if he held the provinces nearest to the capital he would be able to keep in touch with Roman politics, and as these provinces were to be governed in 59 B.C. by Afranius, a firm adherent of Pompey, there would be no difficulty in securing their transference to one of the triumvirs. It is clear in any case that Caesar could have had no interest in the affairs of Transalpine Gaul until Metellus' death; whether he at once realized the full extent of the opportunity thereby created for him must remain doubtful, as the motives which prompted the triumvirs to secure this addition to his command are unknown. Probably Caesar's designs of conquest beyond the Alps did not develop until he had reached his province and grasped the possibilities of the situation; this is a legitimate inference from the distribution of the four egions under Caesar's command when the operations of 58 B.C. began, three being then stationed in the Cisalpine province, near Aquileia, and only one beyond the Alps at Geneva. At the end of 59 Caesar did not set out at once for his province, but ingered near Rome to support his agent Clodius until the middle of March, when he hurried north in response to an urgent message that the Helvetii were mustering opposite Geneva on the north bank of the Rhône.

[1] For this dating of the Lex Vatinia see M. Gelzer in *Hermes*, LXIII, 1928, p. 113. See also above, p. 519

III. THE MILITARY OCCUPATION OF GAUL

The plan of emigration adopted by the Helvetii was that of a complete exodus of the whole population, including the women and children; such a design might have been frustrated by the reluctance of individuals or groups to leave their homes, but this danger was averted by the destruction of all buildings and all surplus stocks of corn, as soon as the preparations for the migration were complete, and it is unlikely that more than a few stragglers remained behind. The numbers of the emigrants were augmented by the accession of four other peoples, the Raurici, Tulingi, Latovici and Boii, who lived to the north and east of the Helvetii and probably shared their desire to escape from the pressure of the advancing German hordes; the total of the united host reached 368,000, of whom one quarter were fighting men[1].

To convey such a multitude safely across Gaul from east to west would be a difficult undertaking, and it was important that the emigrants should arrive without opposition at their goal, where they would have to dispossess the inhabitants of the land which they wished to occupy. Of the various routes from Switzerland to the west, the passes of Pontarlier would have taken them too far to the north, and the route between the Jura and the Rhône was for the present blocked by the Sequani; they had therefore decided to ask the Romans for permission to go through the Province, and with this aim had mustered opposite Geneva. When Caesar arrived there he demanded time for consideration of their request, used the respite to raise new levies and fortify the left bank of the Rhône below the lake, and then refused to allow the Helvetii to enter the Province; some of them made attempts, probably unauthorized by their leaders, to cross the river in face of the Roman opposition, but were easily repulsed.

The Roman refusal had little result, as the Aeduan Dumnorix persuaded the Sequani to let the Helvetii pass through their country; unless they came into serious collision with the Aedui, the Romans would have no formal justification for further interference with them. Yet Caesar resolved to intervene vigorously in the affairs of independent Gaul; his interference has been severely criticized but was entirely in harmony with an established feature in the Roman foreign policy of an earlier period, which always tried to prevent the growth of any formidable independent power near the Roman frontier, such as might be created by the foundation of an Helvetian empire in western Gaul. After a hurried visit to Cisalpine Gaul to bring up the three veteran legions from Aquileia and two new legions which he had already ordered to be raised, he crossed the Rhône just above its junction with the Saône at the head of his united forces. A pretext for intervention was easily found; the pro-Roman party among the Aedui, which had recently revived and secured control of the government, now made a formal appeal to Caesar for protection against the Helvetii, the greater part of whom had already crossed the Saône into Aeduan territory. Caesar acted promptly: by a rapid night march he surprised and defeated the Helvetii who were still on the eastern bank of the Saône, then crossed the river in pursuit of the main body. After a futile attempt at negotiation the Helvetii continued their march; as the direct route to their goal was impracticable, their column advanced for some distance up the Saône valley before turning off to the west.

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[1] The figures are given by Caesar, *B.G.* 1, 29, on the authority of lists found in the Helvetian camp, and are now widely accepted as approximately correct.

For over a fortnight Caesar followed them at a distance of a few miles, as the country was unsuitable for an attack and his cavalry, supplied by the Aedui and led by Dumnorix, was untrustworthy. When he left the Saône he lost touch with his supplies and the Aedui failed to make good the deficiency, and though Dumnorix was soon unmasked and kept under close observation the situation did not improve. Finally, after a shrewd plan to surprise the Helvetii had been frustrated by the folly of a subordinate, Caesar decided to turn aside temporarily from the pursuit and re-provision his army at the Aeduan capital Bibracte, seventeen miles away to the north, but he was promptly followed by the Helvetii, whose desire to force on a battle at this moment is difficult to explain, and compelled to draw up his army on a line of hills to face the attack. Caesar's four veteran legions—the rest of the army took no active part in the battle—had no difficulty in repelling the enemy's first onslaught, but in their advance the right wing was attacked on the flank by the Boii and Tulingi, and a stern struggle on two fronts followed till sunset, when the Romans were at last victorious. The Helvetian camp was protected by a rampart of wagons and so resolutely defended by the Boii and Tulingi that it was not taken until late that night; this resistance enabled the main body of the Helvetii, now reduced to 130,000, to flee in an easterly direction. The Roman army was too exhausted for the present to pursue them, but through the prestige acquired by his victory Caesar prevailed on the Gauls to deny all supplies to the fugitives, who were thus compelled to surrender. A section which tried to escape to the Rhine was recaptured and sold into slavery, but the rest were leniently treated: on the request of the Aedui the Boii were allowed to settle in their territory; the other tribes were compelled to return to their own lands but incurred no other penalty.

The Roman intervention had been brilliantly justified, and deputies came to Bibracte from most of the states in Central Gaul to congratulate Caesar on his victory. He was now informed that the newly-established Roman protectorate in Central Gaul was still on its trial; in a secret meeting the Aeduan Diviciacus, as spokesman of the chiefs, revealed to him the far-reaching designs of Ariovistus, complained about his oppression of the Aedui and other Gauls, and urged Caesar to avert from Gaul the danger which was threatened by the continued immigration of the German hordes from beyond the Rhine. Caesar promised to deal with the situation without delay; he seems to have had no idea until now of Ariovistus' ambitions, but he promptly recognized the danger for Rome in this fresh invasion of Gaul by the Germans, and determined to check it at the outset. It is probable that he expected little success from the diplomatic representations which he proceeded to make to Ariovistus, but as the German had so recently been recognized by the Roman Senate it was important to manœuvre him into a false position; for this purpose, after Ariovistus had refused to meet him, he produced the senatorial decree of 61 B.C. (see p. 546) as justification for an ultimatum, commanding him to leave the Aedui and other friends of Rome in peace and to put a stop to further immigration of Germans from beyond the Rhine.

When these demands were flouted and a report reached Caesar that a fresh horde of Germans had advanced to the right bank of the Rhine, he decided to assume the offensive at once before they could cross the Rhine and reinforce Ariovistus. By rapid marches he reached and occupied the important position of Vesontio (Besançon); here the nearness of the dreaded Germans produced a panic in the army, which threatened to break out into open mutiny. Caesar at once summoned a meeting of officers and centurions, and in a vigorous speech rebuked them for their cowardice and disloyalty: if the rest would not follow him he would go on with the tenth legion only, for he could rely on its fidelity. The success of the speech was immediate; the men of the tenth were delighted, and those in the other legions hastened to show that they were no less devoted to their leader. Never again did Caesar's men waver in their loyalty to him throughout all the hardships of the Gallic campaigns.

From Vesontio the army advanced by a circuitous route to the Belfort gap and the plains of Upper Alsace, where Ariovistus and his people were encamped. The German now consented to the interview which he had hitherto refused. Caesar began by a repetition of his ultimatum, to which Ariovistus replied in a boastful speech that he had entered Central Gaul before the Romans and intended to remain there: he knew that if he killed Caesar he would win the gratitude of the Roman nobles, but if Caesar would leave him alone he would reward him and help him against his enemies. Caesar ostentatiously declined this compromising alliance, and countered Ariovistus' claim of priority in Central Gaul by the contention that the Romans in virtue of their victory over the Arverni in 121 B.C. had established an exclusive claim to the sovereignty of Gaul as against any other foreign power.

After the failure of the conference Ariovistus advanced past Caesar's army, probably along the lower slopes of the Vosges where he would be safe from attack, and cut Caesar's communications with Vesontio. When Caesar had in vain tempted the enemy to battle he resolved to restore his communications by the construction of a smaller camp to the south of the new German position. The attempts made by the Germans to prevent this manœuvre and their subsequent attack on the smaller camp failed, whereupon Caesar by a demonstration in force against the German camp compelled Ariovistus to accept the battle offered by the Romans (middle of September 58 B.C.); the site of the battle was either between Ostheim and Gemar, or farther to the south near Cernay. The Germans were probably superior in numbers and the rapidity of their first charge disconcerted the Romans, who had no time to hurl their *pila*, but the formidable German cavalry seems to have had no effect on the course of the battle (they may have dismounted and fought as infantry), and the vigorous resistance of the German right was overcome by the Roman reserves, which were sent in at the critical moment by young Publius Crassus, a son of the triumvir. This decided the issue of the battle, and the whole German army fled in wild rout to the Rhine, fifteen miles distant, where most of them were caught and slain by the Roman cavalry; Ariovistus himself escaped with difficulty and died soon afterwards.

The immediate effect of this decisive victory was the retirement of the Suebian host which had reached the right bank of the Rhine, but it was obvious that if Caesar withdrew from Central Gaul the German invasions would speedily begin again; the only way to prevent these invasions was that the Romans should assume permanently the protection of the Rhine frontier, and to do this they would be compelled to convert their new protectorate over Gaul into actual annexation. Caesar realized now, if not before, that this course was inevitable, and perhaps he saw also that the effective control of the Rhine frontier would necessitate the conquest of the Belgic confederacy in the north; nothing was said openly about annexation, but the change in Roman policy was clearly indicated by Caesar's decision to fix the winter-quarters of his army at Vesontio, which would form a valuable base for a further advance. The Belgae were naturally alarmed, and they were urged by the anti-Roman malcontents in Central Gaul to intervene; they therefore determined to forestall the anticipated attack, and spent the winter in warlike preparations. In the same winter Caesar raised two new legions in Cisalpine Gaul, and when the campaigning season of 57 B.C. opened he led his army of eight legions from Vesontio to the north; there he was met by envoys from the important tribe of the Remi (round Rheims) who offered their submission and as loyal supporters of Rome played the same rôle in the north as the Aedui in Central Gaul.

The Belgic army at last appeared; it was greatly superior to the Roman, though the figure of 296,000 men, given by the Remi and quoted by Caesar without comment, must be wildly exaggerated, but its commissariat was badly organized and inadequate, like that of most Gallic armies. Caesar's plan was to occupy a strong defensive position north of the Aisne, securing the bridge-head (probably at Berry-au-Bac) with a garrison, and to create a diversion by sending Diviciacus and the Aedui to ravage the lands of the powerful Bellovaci (round Beauvais). The operations of the unwieldy Belgic army ended in complete failure; it did not venture to attack Caesar's position, its attempts to force the crossing of the Aisne were easily defeated, and its supplies were soon exhausted. When Diviciacus' diversion was reported the Bellovaci refused to stay, whereupon the contingents decided to disperse to their homes until the Romans attacked; under the unceasing pressure of Caesar's pursuit their retreat degenerated into a confused rout, and by the unfamiliar menace of the Roman siege-engines the defenders of their strongholds were terrified into submission.

This miserable collapse did not end the struggle: four of the tribes in the north, led by the Nervii, who had an excellent infantry and had planted their country with high hedges to obstruct the operations of hostile cavalry, determined to resist the further progress of the Romans. Late one afternoon, when Caesar's army at the end of the day's march was fortifying a camp on the heights of Neuf-Mesnil above the Sambre, it was suddenly attacked by the enemy, who charged boldly across the river and up the slope to the Roman camp. The surprise was complete, for Caesar had omitted to keep a detachment under arms during the construction of the camp, and only his desperate energy and personal example averted a catastrophe on the right wing, which had temporarily become isolated by the victorious advance of the Roman left and centre and exposed to the main attack of the Nervii; by his intervention Caesar encouraged the right to hold out until the arrival of help from the victorious left enabled him to turn the tables on the enemy, who fought bravely to the end. After their heavy losses in this battle the Nervii surrendered; the Atuatuci tried to resist in their chief stronghold (? Mont Falhize) and after offering to submit made a treacherous night-attack on the Romans, in punishment for which they were all—to the number of 53,000—sold into slavery.

Meanwhile P. Crassus had been sent with a legion against the maritime tribes of Normandy and Brittany, which submitted without a struggle and gave hostages, and thus the whole of Gaul from the Garonne to the Rhine, except the Morini and Menapii in the far north, had been brought under Roman control. At the end of the summer an attempt was made to open up the route over the Great St Bernard, which would have facilitated communications between Italy and Northern Gaul, but the force sent was too small to achieve its object. Elsewhere the Roman arms had been completely successful, and the greatness of the achievement was suitably recognized by a thanksgiving of fifteen days at Rome. But the conquest was far from final; the Gauls had been paralysed by the rapidity of Caesar's movements and hypnotized by the deceptiveness of his professions, and the realization of their true situation was bound to be followed by attempts to recover their lost independence.

IV. THE FIRST REVOLT AND THE MASSACRE OF THE GERMANS

The Roman hegemony had no sooner been established in Gaul than Caesar began to plan an expedition against Britain, and in the late summer of 57 B.C. P. Crassus was sent across the Channel from Brittany to the opposite coast on a voyage of exploration[1]. These designs aroused the resentment of the Veneti, the most important of the Gallic maritime states, who controlled the trade between Western Gaul and Britain and disliked the prospect of Roman competition[1]; they disowned their recent submission to Rome and arrested some Roman officers in the hope of exchanging them for their own hostages. The example of the Veneti encouraged most of the north-western states to join the revolt, which was supported by the still unconquered Morini and Menapii; signs of unrest appeared among the Belgae, and a fresh German invasion of Gaul was impending, this time on the lower Rhine. After Caesar had secured the continuance of his command by the conference at Luca (p. 534 *sq.*) he hastened to Gaul in the spring of 56 B.C. to deal with the various dangers which threatened his conquests. Confident of easy success, he detached twelve cohorts and some cavalry under Crassus for an unprovoked invasion of Aquitania on the frivolous pretext that the tribes of that region might aid the revolt; this expedition was brilliantly successful, and many of the tribes between the Garonne and the Pyrenees were conquered. Labienus, the greatest of Caesar's lieutenants, maintained order with a force of cavalry throughout the year in the north-east, where the German invasion was fortunately deferred, and Q. Sabinus with three legions crushed the resistance of the tribes in Normandy.

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[1] This statement is an inference from Strabo III, 176; see T. Rice Holmes, *Ancient Britain*, pp. 494–7.

The operations against the Veneti were directed by Caesar in person. He had realized from the beginning of the revolt that he would have to destroy their maritime supremacy if he wished to reduce them to submission; as the Romans possessed no fleet in the Atlantic he determined to create one, and in the winter of 57–6 B.C. warships were constructed in the Loire. The new fleet, manned by sailors from the coast-towns of the Province, was augmented by squadrons from the maritime tribes between the Loire and the Garonne; Decimus Brutus was made admiral of the combined fleet, and the separate ships, on which Roman legionaries served as marines, were commanded by Roman tribunes or centurions. When the campaigning season opened the fleet was probably not yet ready, and it was further detained by contrary winds; meanwhile Caesar started operations on land against the enemy, but the absence of his fleet frustrated all his efforts. The Veneti had taken refuge in their coast-towns, which were situated on peninsulas only accessible at low water, and even when the besiegers had overcome the natural difficulties the defenders could sail away with their possessions to the next fortress to renew the struggle there under the same conditions. Finally Caesar decided to wait for his fleet, but the summer was well advanced before it appeared, whereupon the Venetian fleet of 220 ships sailed out to meet it; the size of the Roman fleet is unknown.

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[1] Strabo IV, 194.

The ensuing battle off Quiberon Bay was the first fought by a Roman fleet in the Atlantic, and has the additional interest of a conflict between a fleet of sailing-ships and one composed mainly of galleys. The usual Roman tactics were useless against the great oak-built sailing-ships of the Veneti, which were too strong to be rammed by the lighter galleys, while the greater height of their decks made boarding difficult and javelin-fire ineffective. These disadvantages had been foreseen by the Roman leaders, who had devised a simple means of circumventing them. When the ships of the two fleets came to close quarters, the Romans by means of sharp sickles attached to the end of long poles cut the ropes which fastened the sail-yards of the Venetian ships to the masts; as the ships had no oars the collapse of their sails left them a helpless prey to the attacks of the Roman marines. After several ships had been captured in this way, the rest of the fleet turned in flight, but their escape was frustrated by a sudden calm, and when night came all but a few ships had been captured.

This overwhelming victory transferred the naval supremacy in the Bay of Biscay and the Channel to the Romans, and ended the resistance of the maritime tribes in Brittany. But Caesar's glory was sullied by his treatment of the conquered; on the shallow pretext that the requisition-officers arrested by the Veneti were ambassadors and that their arrest was a violation of international law which must be severely punished, the chiefs who formed the Venetian senate were executed and the rest of the population sold into slavery. Probably this act of terrorism was intended to be a warning to the rest of Gaul that Caesar's clemency had its limits and that further revolts would be followed by ruthless vengeance.

The Morini and the Menapii still refused to submit, and though the summer was almost over, Caesar led his army against the Morini, who controlled the harbours nearest to Britain. But they took refuge in their forests and adopted guerrilla tactics, until the difficulties of the campaign combined with the lateness of the season compelled Caesar to defer their subjugation until the following year.

The security of Caesar's conquests was now threatened by a new danger. He had not yet established effective Roman control over the left bank of the Rhine below Cologne, for the Menapii who dwelt there on both banks of the river were still unconquered, and in the winter of 56–5 B.C. the entire population (estimated by

Caesar at 430,000)[1] of two tribes, the Usipetes and Tencteri, who had been driven from their homes by the Suebi and had wandered about Germany for three years, crossed the lower Rhine at or near Xanten and expelled the Menapii from their lands. Their permanent settlement on the Gallic side of the Rhine could not be tolerated by the Romans; already the anti-Roman parties in the Gallic states had attempted to secure the support of the newcomers, and some of the Germans had advanced south beyond Liège. Caesar on his return to Gaul, after calling a formal council of the Gallic chiefs and securing the aid of their contingents for the coming campaign, marched against the invaders, who tried in vain to obtain his permission to remain in Gaul. Caesar offered to obtain lands for them on the right bank of the Rhine, but he refused their request that he should stop his advance, and moved up his army until he was within eight miles of the main body of the Germans, who were still encamped between the Rhine and the Meuse, only a few miles from Xanten[2].

The proximity of the two armies made the avoidance of hostilities almost impossible, and a further advance by the Gallic cavalry provoked a German attack in which the Gauls were routed. Caesar chose to regard this incident as a decisive proof that the barbarians were not to be trusted; when their chiefs came next day to explain he arrested them, and at once led his army against the German camp. The men, taken by surprise and deprived of their leaders, made little resistance, and those who escaped were drowned in the Rhine. The fate of the rest may be told in Caesar's own words: 'at reliqua multitudo puerorum mulierumque . . . passim fugere coepit; ad quos consectandos Caesar equitatum misit[3].' The barbarians were utterly annihilated, and Caesar adds complacently that the only Roman casualties were a few wounded. This deliberate massacre is the most disgraceful of Caesar's actions and the worst example of the atrocities which have often been perpetrated in collisions between civilized and barbarian races; it has been excused by the greatness of the peril threatening the Romans, but this assumes that the estimate given for the German numbers by Caesar is approximately correct. Caesar's arrest of the envoys was a clear breach of that rule of international law which he had so recently claimed to vindicate by the punishment of the Veneti; but the proposal of Cato to surrender the perfidious general to the Germans was inspired by political antipathy rather than by any genuine indignation, and was disregarded in Rome (p. 620).

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[1] *B.G.* IV, 15, 3. The correctness of the estimate is doubtful; see p. 537 *Note*.

[2] Not far from the *confluens Mosae et Rheni*, *B.G.* IV, 15, 2; some think Caesar wrote or meant to write *Mosellae* for *Mosae*, and prefer a site near Coblenz, but it is unlikely that the whole multitude had advanced so far to the south.

[3] *B.G.* IV, 14, 5.

After the extermination of the immigrants Caesar resolved to ensure the security of the Rhine frontier by a demonstration of Roman power on the right bank, to make the Germans realize that interference by them west of the river would provoke prompt retaliation; moreover, some German tribes on the east bank, especially the Ubii, who had come under the influence of Celtic civilization, had already offered to put themselves under Roman protection. When the Roman army had marched up the west bank to a point a little below Coblenz, it was ordered by Caesar to construct a bridge of piles across the Rhine, a monument of Roman engineering skill which was doubtless intended to impress the barbarians, and in ten days the work was completed. The army crossed and ravaged the territory of the Sugambri, neighbours and enemies of the Ubii, but the more formidable Suebi refused to be tempted to a battle and retired into the interior, whither Caesar did not venture to follow them. He had achieved the main purpose of his demonstration, for he was satisfied with the Rhine frontier and had no desire to extend his direct control beyond it, and after spending eighteen days beyond the Rhine he returned to Gaul.

V. THE BRITISH EXPEDITIONS AND THE SECOND REVOLT

After his return from Germany Caesar prepared to carry out his long-projected invasion of Britain; as the campaigning season of 55 B.C. was now far advanced, he planned an expedition on a small scale to reconnoitre the country which he proposed to invade with a larger force in the following year. He tried to justify his policy by the alleged necessity of preventing British interference on behalf of the Gallic malcontents, but such interference was of little importance since the control of the Channel had passed to the Roman fleet. No military or political interests of the Roman Empire were served by this attempt to extend it beyond its natural boundaries, but Roman greed exaggerated the wealth of the unknown island, and a victorious expedition to Britain would be a spectacular success more likely to impress the imagination of Caesar's contemporaries than his great achievements on the continent.

There had been frequent intercourse between the Belgic tribes of southern Britain and those of northern Gaul, and some of the Gallic chiefs had connections and influence on the other side of the Channel; the most important of these was Commius, whom Caesar had made king of his own tribe, the Atrebates (round Arras). Commius was sent on beforehand to Britain to induce the tribes to submit to Rome, but his mission was a failure and he was imprisoned. Soon afterwards Caesar sailed from Boulogne with an army of two legions, and on the following morning (August 26th, 55 B.C.) anchored off the British coast opposite Dover; late in the afternoon of the same day he sailed on and, despite fierce opposition from the British cavalry and war-chariots, effected a landing on the east coast of Kent, probably at Walmer. After this defeat the Kentish tribes released Commius and made offers of submission, but changed their attitude again when many of Caesar's ships were wrecked by a high tide four days after his arrival. His cavalry transports had been dispersed by a gale and driven back to Gaul, and without cavalry he did not dare to advance far from his base. The Roman misfortunes encouraged the Britons to attack the Roman camp, but they were decisively beaten; this success and the renewed submission of the Kentish chiefs restored Roman prestige and enabled Caesar to leave the island without discredit about the middle of September.

The comparative failure of the first expedition necessitated a more convincing demonstration of Roman power, and during the winter Caesar ordered the construction of 600 new transports. Preparations were made on a scale which left no doubt that the definitive conquest of southern Britain was intended, and expectations ran high in Rome, for at the same time Crassus was preparing his great expedition against Parthia. But the new Roman imperialism, inspired by ambitious generals, was losing all sense of proportion. Caesar was pushing on the conquest of Britain while his hold on Gaul was still insecure. The British expedition was unpopular with many of the Gallic chiefs, and some of them planned to stir up trouble in Gaul during Caesar's absence beyond the Channel. Valuable time had to be lost in the re-establishment of Roman influence among the Treveri (round Trèves), where the anti-Roman party had been reviving under the leadership of Indutiomarus. Caesar saw that he would have to take the Gallic chiefs to Britain as virtual hostages, and when his old enemy the Aeduan Dumnorix tried to evade the necessity by flight from the Roman camp, he was pursued and cut down, protesting with his last breath against the violation of Aeduan independence.

These distractions and adverse winds delayed the departure of the expedition until early in July 54 B.C. The army of conquest, five legions and 2000 Gallic cavalry, sailed from a harbour called by Caesar *portus Itius*, probably Wissant, and landed on the Kentish coast (between Sandown and Sandwich) without opposition. The Britons had taken no steps to secure a unified resistance to the Roman attack, and Caesar hoped to crush their scattered forces by the rapidity of his advance; within a few hours of his arrival he marched westward by night with the greater part of his forces, and on the next day defeated the Kentish levies on the Great Stour near Canterbury. But on this occasion Caesar's impatient haste ruined his plan of campaign; to save time he had left his fleet at anchor instead of hauling it up on shore, despite his disastrous experience in the preceding year. On the night after his victory a great storm arose which destroyed forty ships; this mischance compelled Caesar to lead his army back to the coast, where they worked strenuously, drawing the rest of the ships ashore and protecting them by fortifications. This delay was serious, as it left only two months of the campaigning season available and also gave a valuable respite to the Britons, who at last decided to combine against the invaders.

The leader chosen by the British chiefs was Cassivellaunus, king of the region north of the Thames and west of the Lea, who had recently extended his rule over the Trinovantes of Essex, driving Mandubracius, the son of their former ruler, to seek refuge with Caesar. The insular Celts still retained the war-chariots which their continental kinsmen had long abandoned, but though these chariots harassed Caesar's Gallic cavalry and gained some success even against the legionaries on one occasion when their ranks were already in disorder, a frontal attack on the legions was decisively routed. After this reverse the British leader decided to avoid pitched battles and to hamper Caesar's advance by guerrilla warfare; cattle and men were removed from the countryside before the Romans arrived, and their march was dogged by a picked body of charioteers, whose frequent attacks compelled the auxiliary cavalry to keep in close touch with the legions. Despite these difficulties the Roman army advanced steadily until it reached the lower Thames at an important ford (which cannot be identified); the Britons were drawn up on the farther bank to prevent the crossing but were easily driven off.

So far the strategy of Cassivellaunus had been fairly successful, but Mandubracius now brought the Trinovantes over to the Roman side, and their example was followed by several other tribes. On the advice of his new allies Caesar attacked the principal stronghold of the British leader, but though he easily stormed the rude fortifications of the place and captured large herds of cattle which had been placed there, most of the men escaped. Meanwhile Cassivellaunus had ordered the Kentish chieftains to attack Caesar's naval camp in the hope of compelling him to retire by this threat to his base; when the attack failed he consented to open negotiations with Caesar, who had received alarming news from Labienus about the situation in Gaul and therefore wished to liquidate his British enterprise as quickly as possible. By the terms of the settlement Cassivellaunus acquiesced in Caesar's retention of the captives taken by the Romans in Britain, undertook to leave Mandubracius and the Trinovantes unmolested, gave hostages and promised an annual tribute. The Roman army returned to Kent, and from there sailed back to Gaul shortly before the autumn equinox.

No Roman troops had been left behind in Britain to secure the fulfilment of the peace-terms, and it is doubtful whether the tribute was ever paid. Caesar's attention was soon fully occupied by repeated revolts in Gaul, and the Britons could then ignore the settlement with impunity. Although Caesar's British expeditions have a romantic interest for us, they must be regarded from the Roman point of view as mistaken, and Augustus, whose popularity required no such adventitious aids, rightly disregarded all demands for an extension of the Empire beyond the Channel, preferring peaceful penetration to annexation.

Soon after Caesar's return from Britain, in the autumn of 54 B.C., the second revolt broke out in Gaul, where the discontent against the Roman rule had been steadily growing. The earlier gratitude for the expulsion of the Germans had been changed into resentment when the Gauls found that they had to maintain a large Roman army permanently in their country and at the same time to satisfy the rapacity of Caesar and his officers; by 54 B.C. Caesar had already amassed enormous wealth, which cannot have been entirely acquired by the sale of captives, and every needy adventurer in Rome who could win Caesar's favour went to Gaul to restore his fortunes. Moreover, the old inter-tribal quarrels were forgotten under the general grievance of alien oppression, and the prospect of uniting all the Gauls in a war of liberation became more hopeful. All turned on the attitude of the states in Central Gaul, which had been cajoled into submission rather than conquered; but they were not yet ripe for rebellion, the second revolt failed to produce any leader who could attract their support, and the refusal of all except the Carnutes and Senones to participate in the movement was largely responsible for its failure.

Although Caesar was expecting a Gallic rising, the occasion of its outbreak seems to have taken him by surprise. The first sign of the coming storm was the assassination by the Carnutes (round Orléans) of their king, who had been imposed on them by Caesar. This was soon followed by the revolt of the Eburones on the Meuse, instigated by the restless Indutiomarus. Under Ambiorix, one of their two kings, they attacked the Roman winter-camp at Atuatuca[1]; when force failed, Ambiorix opened negotiations with the Roman commander Sabinus, offering him and his men a safe conduct to the nearest Roman camp. Despite the vehement opposition of L. Cotta, Sabinus' junior colleague, the treacherous offer was accepted and the fifteen cohorts of the garrison evacuated their fortified camp. Ambiorix had posted his Eburones in ambush at either end of a valley two miles from the camp, and when the greater part of the Roman column had entered the valley he gave the signal to attack. The Romans, rallied by Cotta, fought bravely, but were unable to come to close quarters with the light-armed Eburones, who from a safe distance thinned the Roman ranks with their missiles. The battle had raged for seven hours when Sabinus decided, against Cotta's advice, to seek an interview with Ambiorix, who first disarmed and then murdered the Roman commander and those who were with him. The triumphant barbarians now overwhelmed the Romans in a combined attack, in which Cotta and most of his men were slain. Some made their way back to the camp and there in despair committed suicide; only a few survivors escaped through the forests to bring the disastrous news to Labienus.

After this success Ambiorix at once rode southwards and induced the Nervii to revolt and attack the legion encamped in their country. Its commander was Quintus Cicero, the younger brother of the famous orator. Though he was in feeble health, he hurriedly organized the defences of the camp, refused to listen to the insidious offers of the enemy, and successfully beat off all attacks. His messages to headquarters asking for help were intercepted, until at last the Gallic slave of a loyal Nervian chief got through to Caesar, who was at Samarobriva (Amiens), entirely ignorant of the recent disaster. On hearing the news he hastily collected a force of 7000 men and marched north to relieve Cicero. A messenger sent on ahead with a letter for Cicero was compelled to tie it to a javelin which he hurled over the ramparts of the camp; the javelin stuck unobserved in a tower, and it was not until two days later that the letter was discovered. The worst anxiety was now over, and soon the garrison saw in the distance clouds of smoke which heralded Caesar's approach. The besiegers raised the siege and departed to meet the relieving army, but they were easily outwitted by Caesar and completely defeated, and on the same day Caesar entered Cicero's camp and congratulated the garrison and its commander on their heroic defence.

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[1] The site of Atuatuca is unknown; the usual identification with Tongres is open to serious objections, but no satisfactory alternative has been proposed.

The catastrophe at Atuatuca, due to barbarian treachery and to the almost incredible folly of the Roman commander, had nevertheless destroyed the spell of Roman invincibility throughout Gaul, and Caesar admitted that every state except the Aedui and the Remi was shaken in its loyalty to Rome. The Senones (round Sens) expelled their king, another of Caesar's nominees, and defied the Romans, while symptoms of unrest appeared among the Aremorican states. Yet the immediate results of the disaster were slight; the energy and vigilance of Caesar, who for the first time wintered in Gaul, prevented the further spread of the revolt in the central states, and the movement in the north-east was checked by Labienus. Indutiomarus had raised an army among the Treveri, augmented by desperadoes from the whole of Gaul, but he wasted time in futile demonstrations outside Labienus' camp. Meanwhile the Roman general had ordered the neighbouring states to send a large force of Gallic horse, which he smuggled into his camp by night without the enemy's knowledge; late in the following afternoon they made a sudden sortie against the Treveri, who were completely surprised and routed. In the pursuit the Roman cavalry, following Labienus' instructions and stimulated by the offer of a large reward, ignored the rest and concentrated on the pursuit of Indutiomarus, who was intercepted and killed; his death removed the only leader of the revolt who had sufficient influence to win over the states of Central Gaul.

During the winter Caesar replaced the cohorts lost at Atuatuca by three fresh legions (including one borrowed from Pompey), thereby raising his total force to ten legions, and compelled the Nervii to submit. In the spring of 53 B.C. he brought back the Senones and Carnutes to their allegiance by a display of force, and for the first time subdued the Menapii in the far north, while Labienus again defeated the Treveri.

By these operations Caesar had completely isolated Ambiorix and his Eburones, but he deferred his revenge until he had made a fresh demonstration against the Germans, which was as fruitless as it had been two years before; the Rhine was again bridged and the Suebi again retired into the interior. Caesar had doubtless hoped to bring the Germans to battle and to win a decisive victory, but he did not intend to incur unnecessary risks in pursuit of an aim which was only incidental to his main design, and so withdrew once more to the left bank, leaving part of the bridge standing, with a fort and a garrison of twelve cohorts to protect it. After this interlude the Roman army marched against the unlucky Eburones, who made no attempt at organized resistance; their country was systematically devastated to ensure the death by famine of all who escaped the sword. Extraordinary efforts were made by the Roman cavalry to catch Ambiorix, but he evaded them all, protected by the devoted loyalty of four trusty companions, and the inglorious man-hunt ended in fiasco. Caesar tried to terrorize the patriotic Gauls in another way; at the end of the summer he held a court of enquiry into the causes of the revolt among the Senones and Carnutes, at which Acco, the leader of the anti-Roman party among the Senones, was condemned to be scourged and beheaded, and other patriots who escaped punishment by flight were formally outlawed. In these proceedings Gaul was for the first time openly treated as a conquered province and its inhabitants as Roman subjects; but the demonstration was ill-timed: the chieftains of Central Gaul were not intimidated but roused to action, and as soon as Caesar departed beyond the Alps they began to concert plans for a general revolt.

VI. THE THIRD REVOLT: VERCINGETORIX

The great Gallic revolt of 52 B.C. was mainly confined to the states of Central Gaul; the Aquitanians held aloof, and the Belgic tribes played little or no part in the movement until it was too late. Commius, who had now joined the anti-Roman party, had undertaken to secure the support of the Belgae, but Labienus, who had as usual been left in charge of Gaul during Caesar's absence, discovered his intrigues and devised a treacherous plan to assassinate him; Commius escaped with a severe wound which incapacitated him for several months, and no other Belgic chieftain was influential enough to induce the northern tribes to revolt. The conspiracy in Central Gaul received further encouragement from the news of the anarchy prevailing in Rome after Clodius' death (p. 624). The patriots decided to provoke a general rising before Caesar's return so that he could not rejoin his army, the greater part of which, six legions, was stationed under Labienus at

Agedincum (Sens); there were also two legions among the Treveri and two among the Lingones (district of Langres). A young and inspiring leader for the war of independence was found in the Arvernian Vercingetorix, son of Celtillus, and the Carnutes volunteered for the dangerous honour of being the first state to start the revolt.

The early stages in the execution of the plan were successful; the Carnutes massacred the Roman officials and traders in Cenabum (Orléans), and Vercingetorix, after an initial rebuff, drove out the oligarchical government of his own state, including his uncle, and was made king of the Arvernians by his enthusiastic partisans. Most of the states between the Loire and the Garonne, as well as the maritime tribes of the north-west, now openly joined in the revolt, and Vercingetorix himself secured the adhesion of the Bituriges, whose principal town was Avaricum (Bourges). A second force under Lucterius had marched south, won over the Ruteni and Nitiobriges to the patriotic cause, and prepared to invade the Province in the region of Narbo. During all this time Labienus seems to have remained inactive, possibly because his supplies had been intercepted by irregular bands organized by the Senonian Drappes.

As soon as he was able to leave Italy, Caesar hastened to Narbo, and rapidly organized on the old frontier a chain of posts through which Lucterius was unable to penetrate. Although the Cevennes were still covered with snow, which lay six feet deep in the passes, Caesar determined to cross them and create a diversion in the Arvernian country; by great exertions he and his men made their way over the mountains and began to ravage the Auvergne. This unexpected attack deranged the plans of Vercingetorix, who was compelled by his men to return home; meanwhile Caesar hurried through the Aeduan territory to the two legions wintering among the Lingones, and with them soon after rejoined the rest of his army.

Thus the patriots had been foiled in their main object, but Caesar was not ready for an immediate campaign; the season was so early that it would be difficult to maintain the transport of supplies, and the revolt had deprived him of most of his cavalry, which he now began to replace with German mercenaries. But Vercingetorix compelled him to move by besieging Gorgobina, a town of those Boii who had been settled among the Aedui in 58 B.C. (p. 552). Caesar could not abandon it without a serious blow to Roman prestige, so he marched to its relief by a circuitous route, capturing on the way Vellaunodunum (Montargis) and

Cenabum, which was sacked to avenge the massacre of Roman citizens there at the start of the revolt. On Caesar's approach the siege of Gorgobina had been abandoned, and from Cenabum the Roman army advanced southwards against Avaricum.

Vercingetorix wished the Bituriges to evacuate the town; recent events had proved the inability of the ordinary Gallic fortress to resist Roman attacks, and had induced him to adopt a new strategy, derived perhaps from that of Cassivellaunus; the Gauls were to starve out the Roman army by cutting off its supplies, and to facilitate this object the countryside was to be turned into a desert and all the towns and villages destroyed. Such a policy involved greater hardships for the Gauls than for the less civilized Britons, and the proposal to abandon and destroy Avaricum provoked vigorous opposition, to which Vercingetorix had to yield; he took up an impregnable position to the north-east of the town from which he maintained communications with the garrison and sent out his cavalry to intercept the Roman supplies. The besieged conducted the defence with great energy, but the determination of Caesar's veterans triumphed over all difficulties; within a month they constructed a gigantic siege-mound, which enabled them to storm the town by a surprise attack; all found within, men, women, and children, were slaughtered without mercy. Ample supplies were found in Avaricum, and the army rested there for several days.

This success had little effect on the course of the rising, for the drooping spirits of the Gauls were soon revived by the inspiring speeches of their leader, whose influence was more firmly established by the disaster which he had predicted; he raised fresh levies, especially of cavalry and archers, and made great efforts to win over the states which had not yet joined the revolt, above all the Aedui, whose ambiguous attitude was not the least of Caesar's anxieties. The spring was now beginning, and Caesar decided to extend the scope of his operations by dividing his army; Labienus was sent north with four legions against the Senones and Parisii, while Caesar himself took the remaining six south to attack the Arverni. Vercingetorix tried to prevent the Romans from crossing to the left bank of the Allier, but when by a stratagem they repaired one of the bridges which he had broken down, he hurried on before them to Gergovia.

Gergovia was a fortified town strongly situated on a plateau raised more than 900 feet above the surrounding valleys; this plateau extends for nearly a mile from east to west and about one-third of a mile from north to south. The slopes on the north and east sides of the plateau are steep, but the southern slope, which is intersected by ravines, is more accessible, and on the south-west a saddle, the Col des Goules, gives access to a hill called Risolles, little lower than Gergovia itself. Between the plateau and the Auzon, a stream running parallel to the plateau on the south side, is a hill called La Roche Blanche. This hill and Risolles had been occupied by Vercingetorix, whose forces were not confined to the town but occupied camps on the higher parts of the slopes to the south and west of it, where he naturally expected Caesar to attack.

As soon as Caesar saw the natural strength of the position he recognized that Gergovia could not be stormed, but he professed to believe that a blockade would be more successful; he surprised the Gallic outpost on La Roche Blanche, took the hill, and built there a small camp, connected by entrenchments with the main camp to the east. His operations were interrupted by disturbances among the Aedui, whom his personal intervention recalled to an insincere allegiance. Meanwhile Vercingetorix had countered the threat of blockade by strengthening his positions on the Col des Goules and Risolles; so long as the Gauls retained these, the area occupied by them was too large to be blockaded by a force of only six legions.

Caesar was preparing to admit his discomfiture by withdrawal, when an alteration in the disposition of the Gallic forces seemed to offer an opportunity for a bold stroke. According to his own statement, the object of his new plan was merely to capture the Gallic camps on the south slope outside the town; this may be true, as such a success would enable him to retreat with some credit, but it is quite possible that he had formed the hazardous design of attempting to take the town itself by escalade. He skilfully induced his opponent to concentrate his forces on Risolles by various movements which seemed to threaten a Roman attack in that direction, and then rapidly led his main force up the centre of the southern slope, while the Aeduan infantry ascended the hill by a circuitous route on the right. The three Gallic camps were surprised and captured; then the soldiers, contrary to their orders if Caesar is to be believed, pressed on to the town wall. But though some of them actually climbed it, Vercingetorix soon hurried to the rescue, the sudden appearance of the Aedui, who were mistaken for enemy reinforcements, threw the Romans into a panic, and they were driven down the hill with a loss of nearly 700 men, including no less than 46 centurions.

This was the first time that Caesar himself had been defeated by the Gauls, and the effect of the disaster was immediate. The

Aedui thought that they could now safely join the revolt; they captured Caesar's depôt at Noviodunum (? Nevers), which contained his stores, remounts, and the hostages of the Gallic states, and tried to intercept his retreat across the Loire by breaking down the bridges. But Caesar crossed the river and hurried north to rejoin Labienus, who had secured his retreat by a decisive victory over the army of the northern insurgents on the left bank of the Seine, opposite Lutetia, the town of the Parisii, situated on what is now the Île de la Cité in Paris.

For a few weeks the Roman army rested among the Lingones (who with the Remi remained loyal to Caesar), where it was reinforced by cavalry and light-armed infantry from the German tribes beyond the Rhine. During this period the Aedui attempted to secure control of the Gallic army, but a general council at Bibracte confirmed Vercingetorix in the supreme command; he then increased his cavalry to 15,000 and tried to promote a revolt in the Province, but the attempt was foiled by the resolute opposition of the Allobroges. When Caesar at last began to march towards the Province, Vercingetorix decided to launch his cavalry against the Roman column, apparently in the hope of compelling it to abandon its baggage. The Romans were completely surprised, but their German cavalry routed the Gauls (on or near the site of Dijon) and Vercingetorix was compelled to retire north-west to Alesia with the infantry, which had taken no part in the battle. Caesar pursued them vigorously, and on his arrival at Alesia again defeated the Gallic cavalry; Vercingetorix saw that he would have to stand a siege, and sent away his cavalry to summon a general levy to his aid.

The hill on which Alesia stood, now Mont Auxois, is almost isolated, as it is cut off from the surrounding hills on the north and south by valleys and on the west by the plain of Les Laumes; the area to be invested was smaller than at Gergovia, and Caesar now had ten legions at his disposal. As it was almost certain that a fresh Gallic army would arrive before the garrison of Alesia could be starved into surrender, Caesar constructed a double line of trenches and ramparts, the inner to invest the town and the outer to resist the relieving army. These lines occupied the slopes of the hills facing Alesia except on the west, where they were carried across the open plain; the defences in this section were strengthened on the inner side and protected by a zone of obstacles to hinder the sallies of the besieged.

At last the relieving army, estimated by Caesar at 250,000 infantry and 8,000 cavalry, appeared and encamped on the hills west of the plain; some critics have thought that the Gallic leaders ought to have brought up every available man, so that Caesar's lines could have been overwhelmed by sheer numbers, but it would have been impossible to feed or manœuvre such enormous masses. Bad leadership decided the fate of Gaul; there was no unity of command, and valuable time was wasted, first in an attack by cavalry and archers alone, and then in a night-attack on Caesar's lines in the plain. When both these failed, a more formidable attack by 60,000 men under Vercassivellaunus (Vercingetorix' cousin) was directed against the north-west angle of the Roman lines, but though Vercingetorix and the besieged ably supported them by a vigorous offensive against the Roman positions south of Alesia, the rest of the relieving army did little or nothing to help, and Caesar was able to concentrate most of his men in the two sectors where the enemy had broken through. A fierce struggle followed; finally Caesar repelled the attack of Vercingetorix, and hurried to aid Labienus against the relieving army. The enemy from the heights observed his approach, for he was wearing the crimson cloak which marked the Roman general in action, and made a desperate effort, but the Roman troops stood firm, and at last the Roman cavalry, previously sent by Caesar, took the division of Vercassivellaunus in the rear and routed it. In the same night the great Gallic army dispersed, and on the next day Vercingetorix gave himself up to the Romans to save the lives of his men; according to Plutarch[1] he came to Caesar alone, mounted and in his finest armour, rode once round Caesar's tribunal, then dismounted, took off his armour, and sat down in silent submission at the feet of his conqueror. For six years he was kept in captivity, to be led through the streets of Rome at Caesar's triumph and then put to death, but he had earned that imperishable renown which is always assured to the heroic leader of a great nation's struggle for independence. Had he succeeded at Alesia, he would soon have found that the permanent unification of Gaul was a vain dream, and his defeat may have spared him the bitterness of an end like that of the German hero Arminius, who liberated his country from the Romans but fell a victim to the jealous ingratitude of his own people.

VII. THE RECONQUEST OF GAUL: CONCLUSION

The great revolt had received a severe blow at Alesia, but some of the Gallic patriots refused to accept it as decisive. There were many homeless and desperate men in Gaul, who regarded warfare and brigandage as their livelihood; such troops could not face the legions in battle but they might maintain a troublesome guerrilla warfare, and the surviving anti-Roman chiefs seem to have hoped that they could prolong the struggle on these lines until Caesar's command terminated, and that in the ensuing confusion the Gallic states might recover their independence.

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[1] *Caesar*, 27.

For Caesar the speedy suppression of the revolt was a necessity; he remained in Gaul for the winter of 52–1, during which he re-established the Roman supremacy over most of Central Gaul, the Aedui and Arverni having already been induced to submit in the autumn by the restoration of their men captured at Alesia. But the Bellovaci rose against the Romans under an able leader, Correus, and were joined by many other Belgic tribes; this rising was formidable and for a time Caesar was foiled by the steadfastly Fabian strategy of Correus, ably seconded by Commius. Even when Caesar had concentrated seven legions in this region he made little progress until Correus was killed in an ambush, whereupon the stubborn resistance of the Bellovaci abruptly collapsed.

Meanwhile a Celtic army had been operating in the west, in the country south of the Loire, but after the submission of the Bellovaci Caesar detached a force sufficient to crush it; 2,000 men from the beaten army fled south, under Drappes and Lucterius, and occupied the impregnable hill of Uxellodunum (probably the Puy d'Issolu, near the north bank of the Dordogne). It was promptly invested by the Romans, but the blockade was incomplete, and Drappes and Lucterius left the town to collect fresh supplies for the besieged from the surrounding country. On their return they were intercepted; Drappes was captured, and later committed suicide by self-starvation. Lucterius escaped for a time, but was finally surrendered to the Romans by an Arvernian chief with whom he had taken refuge. Despite the loss of its leaders the garrison of Uxellodunum held out and the Roman blockade dragged on without result, so that Caesar was compelled to intervene in person. He at once saw that the only hope of success was to cut off the water-supply of the besieged; their access to an adjacent stream was rendered almost impossible, so that they were reduced to dependence on a single spring just outside the town wall, whereupon Caesar ordered his engineers to divert the spring by a mine. A desperate sortie of the Gauls had already been repelled, when the failure of the spring made them believe that even their gods had deserted them, and compelled them to surrender. As the garrison was largely composed of the desperadoes who were a menace to the peaceful settlement of Gaul, Caesar ordered their hands to be cut off as a terrible warning to the rest (? August 51).

In what remained of the summer Caesar visited Aquitania and received the renewed submission of the tribes there. By a judicious mixture of clemency and firmness he rapidly restored peace in Gaul; even Commius, who had been attacking the convoys in the region of Arras, finally came to terms with the Romans. But he soon regretted his submission, and in 50 made good his escape to Britain, where he established a kingdom in the country south of the Thames, and the last defender of Gallic independence ended his days as a free and powerful ruler in the land which as Caesar's agent he had once tried to enslave to Rome.

Caesar's conquest of Gaul was complete and the country gave little trouble for many years. The suppression of the great revolt had contributed to this result, for the Gauls would never have submitted to the loss of their liberty without one last great effort to recover it, and when that effort had been defeated by Roman skill and resolution they acquiesced in their destiny. But the subsequent peacefulness was partly due to Caesar's conciliatory policy after the revolt; the struggle with the Senate was impending, and it was important that if civil war broke out there should be no trouble in Gaul requiring the presence of the legions; accordingly no efforts were spared to win over the leading chiefs in the various states, and the yearly tribute imposed on the country was fixed at 40,000,000 sesterces, a moderate estimate which recognized the severe exhaustion of Gaul after eight years of warfare.

The year 50 passed peacefully in Gaul; in the course of it Caesar surrendered two of his legions when they were demanded by the Senate for the Parthian War, but he had raised another legion in Transalpine Gaul in 51 (afterwards famous as the Alaudae), and when the Civil War broke out he had eight legions in Transalpine Gaul (four under Trebonius among the Belgae, four with Fabius among the Aedui), as well as one (the 13th) in Cisalpine Gaul, at Ravenna[1].

The conquest of Gaul was an undertaking which had enabled Caesar to combine the attainment of many different objects: he had acquired a renown which overshadowed the successes of Pompey, he had trained a large army and secured its absolute devotion, he had amassed great wealth with which to reward his supporters and bribe his opponents, and he had added a vast province to the Roman Empire. If his assumption of the task was not entirely due to that disinterested appreciation of the Empire's needs to which his panegyrists attempt to ascribe it, in its completion he contrived with rare success, except in the two expeditions to Britain, to reconcile the interests of the Empire with his own. Yet the personal motives which partly influenced Caesar, although they did not hinder his effective prosecution of the work of conquest, undoubtedly affected the manner in which the conquest was accomplished. The total of human suffering and misery occasioned by Caesar's Gallic campaigns is terrible to contemplate, and it is certain that much of it was unnecessary; in this and in his ungenerous treatment of Vercingetorix the conduct of Caesar contrasts unfavourably with that of Pompey. His severity tended to defeat its object, and the final pacification was due no less to his tardy measures of conciliation than to the ruthless cruelties by which they had been preceded.

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[1] *B.G.* VIII, 54, 3–4. The Alaudae are perhaps not included in the nine legions enumerated by Hirtius: see below, Note 5, p. 898.

The sufferings of the Gauls during the conquest and the heroism of their final struggle must not obscure the fact that their subjugation by a foreign conqueror was largely due to their own errors; they had had long enough to work out their own salvation, but the fratricidal jealousies of the larger states were only aggravated by time, and triumphed over the weaker influences which tended towards the promotion of national unity. When Caesar arrived in Gaul there was no future for the Gauls but submission to a stronger power, and they were fortunate that the German hordes were forestalled by the legions. The Roman conquest of Gaul conferred on its inhabitants the benefits of the Roman civilization and the *Pax Romana*; to the Romans it gave the security of the Rhine boundary, and facilitated that great work of providing the Empire with a scientific frontier on the north, the completion of which was reserved for Caesar's heir.

CHAPTER XIV

PARTHIA

I. THE EARLY KINGS

WHAT passes for the history of Parthia as derived from classical writers has been truly called a conventional fiction. The Parthian Empire has left no records, except an abundant coinage; but as the coins, before Mithridates III, call every king Arsaces and have to be interpreted from the literary texts, they raise more problems than they solve. Until we reach the history of Rome, an account has to be put together as best it may from scraps collected from many diverse sources, and the margin of uncertainty is considerable. The traditional list and numbering of the Parthian kings during this period, as generally used by numismatists, is unsatisfactory, for it is derived from the classical authors and from conjecture and takes no account of the cuneiform evidence; the list used in this chapter is printed on p. 613, with the traditional list beside it for reference.

The steppe country north of Hyrcania was occupied by a confederacy of three tribes collectively known to Greeks as Dahae; doubtless, like most of the steppe peoples we know, they were a mixed horde, but their leading clans were apparently Iranian and presumably spoke a North Iranian dialect akin to Sogdian. They were not pure nomads, though they had furnished horse-archers

Note. For Parthia, the best contemporary evidence consists of the coinages of Parthia, Elymaïs, Characene, and Persis; astronomical and business documents from Babylon and Uruk; information in Ssu-ma-ch'ien, *Shi-Ki*, ch. 123, which embodies Chang-k'ien's Report; and, in Greek, a few inscriptions, the first parchment from Avroman, the document on which Isidore's *Parthian Stations* is founded, and notices preserved by Strabo. Among later material, Trogus-Justin and the fragments of Diodorus supply a kind of narrative, of uncertain value. For the invasion of Crassus two accounts are extant: Dio Cassius, XL, 12–30, which represents Livy's lost narrative, and Plutarch's *Life of Crassus*. Dio's account of Carrhae is rhetoric, and the battle must be reconstructed from Plutarch alone. Plutarch occasionally uses Livy; but his main source, which is excellent, is a well-informed Greek of Mesopotamia or Babylonia, who impartially dislikes both Rome and Parthia; his identity is unknown. See further the Bibliography.—For the history of the Graeco-Bactrian and Indo-Parthian kingdoms see the *Cambridge History of India*, vol. I, chaps. XVII, XXIII.

See Map 14, facing p. 612.

to Alexander; they occupied some oases, one of which, Dihistan, possibly long bore their name, and were known as good fighters on foot. Part of one of their three tribes, the Parni, led in the tradition by two brothers, Arsaces and Tiridates, had before 250 B.C. separated from the rest and moved to the lower Ochus (Tejend); the powerful and semi-independent satrap of Bactria, Diodotus, attempted to bring them under his rule, and to escape him they migrated into the Hyrcanian-Parthian satrapy; there they came into conflict with, and killed, the Seleucid satrap Andragoras (not the Andragoras of the coins), whose name is variously given. Arsaces, afterwards reckoned the founder of the dynasty, is a legendary figure; the founder of the kingdom was Tiridates, who took the name Arsaces, subsequently borne as a family name by all his descendants. Tiridates and three other shadowy monarchs—Artabanus I, Phriapitius, and the son of the latter, Phraates I—fill the period till Mithridates I. Tradition makes Tiridates, perhaps with further support from his tribesmen, reduce part of the Hyrcanian-Parthian satrapy, that is, the later provinces of Astauene, Apavarktikene, and Parthyene. Astauene was seemingly the first conquest; it was the country of the eastern Tapuri, one of the pre-Iranian peoples displaced and broken by the original Iranian invasion; they may have made common cause with the Parni, for Astauene became the homeland of the dynasty. Tiridates' first capital was the fortress of Dara (Dareium) which he built, probably near Abivard in Apavarktikene, facing the desert whence he had come. But the kings of his line were buried at Nisa in Parthyene, a district well known in the Persian sacred books as Nisaea; and he himself was crowned at a town near Kushan in Astauene (also part of the old Nisaea) which afterwards bore his name, Asaak (Arsacia). This marks a certain progress in ideas; to the connection with the desert is added the conciliation of the Mazdean religion of the settled lands. For at Asaak the holy fire, used at the coronation, was kept burning for ever; undoubtedly (though it cannot be said which derived from which) it was connected with the Farmer's Fire, Adar Burzin Mihr on Mt Ravand, one of the three sacred and eternal fires of later Zoroastrianism, the others being the Warrior's Fire in Atropatene and the Priest's Fire in Persis. They correspond to the three aspects of the Mazdean Glory which descended upon the king; and the Farmer's Fire was no bad omen for the commencement of a state whose background was to be the revolt of the countryman against the Greek and Graeco-Babylonian city.

The origin of the name Arsaces is unknown. The Arsacids, possibly in imitation of the Seleucid pedigree[1], subsequently claimed descent from Artaxerxes II, whose personal name had been Arsaces; but Arsaces may well have been the first king's family name. Another doubtful matter is the date of Tiridates' coronation, that is, of the formal establishment of the kingdom. The so-called Arsacid Era (p. 592), as used later in Babylonia, was based on the belief that the coronation took place in the year preceding 1 Nisan 247 B.C. (*i.e.* in 248–7), so that this date, from which the Arsacid Era was reckoned, would have been the new king's first New Year festival had he been master of Babylon. We cannot go behind this, and it is difficult to believe that the kings did not keep some sort of record, on the lines of a Hellenistic king's *Journal*; indeed, later tradition speaks of Parthian annals destroyed by the Sassanians.

The establishment of the new kingdom had been favoured by the troubles of Seleucus II (vol. VII, pp. 717–20); but, once his hands were free, Seleucus made an expedition eastward, and Tiridates fled to the Apasiacae (Apa-saka, 'Water-Sacas') of the Caspian steppe, a branch of the great Saca confederacy called Massagetae. Seleucus, however, was recalled by a revolt in Antioch, and Tiridates, allied with Diodotus II of Bactria, recovered his kingdom, although his traditional great victory over Seleucus does not belong to history. The kingdom cannot have expanded farther till after 217, as Antiochus III still had access to the Dahae; but, after the Syrian disaster at Raphia, Tiridates conquered Hyrcania proper, the warm fertile lands along the south-east Caspian, and Comisene, and made the Seleucid city of Hecatompylos his capital. This marks a further progress in ideas: the work of the Greeks was to be used, not destroyed. Either Tiridates or his son Artabanus I then conquered Choarene, and Artabanus for a time perhaps held Ecbatana; but when Antiochus III was able to turn eastward (vol. VIII, p. 140 *sq.*) he easily recovered the country west of Comisene. The Parthians however, whether by conquest or friendship, had secured Tapuria, the eastern Elburz, and the Tapuri fought valiantly against Antiochus; but he reconquered Comisene and Hyrcania, which he held till after his defeat by Rome. He left Artabanus the rest of his kingdom as a subject ally, useful against Bactria if required. But at some unknown period, probably after the retirement of Antiochus, Parthia was attacked from the east by the powerful Graeco-Bactrian monarchy, and lost Astauene; the Bactrians made two satrapies of the conquered territory, Tapuria, the upper Atrek, and Traxiane, the valley of the Kashef-Rud[1]. The loss of Astauene must have entailed that of Apavarktikene also, which was presumably included in the two Bactrian satrapies; and the ruling Arsaces (? Phriapitius) was reduced to Parthyene alone. But the exhaustion of Syria after Magnesia was again Parthia's opportunity; the Arsacids threw off the Seleucid suzerainty, recovered Hyrcania, Comisene, and Choarene, and carried their boundary to Charax, west of the Caspian Gates. Tradition attributes part of this to Phraates I, and adds that he 'conquered' the Mardi of the central Elburz and settled some of them about Charax to guard his frontier; but Mardi also appear later as military settlers in Armenia and Atropatene, and Phraates may have known how to win the goodwill of the pre-Iranian peoples, as did the kings of Elymaïs. The belief that some Arsaces held Babylon in 180–79 arose from a mistake[2].

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[1] The writer in *C.Q.* XXIII, 1929, p. 140.

The first Arsacids, though wedged in between the Seleucids and the Graeco-Bactrians, had thus made a kingdom; and as their own Parni cannot have been numerous, this implies considerable support from the native inhabitants. Their early conquests, often in hill country, were certainly not made solely by horse-archers. The Dahae were partly footmen, and the Parni were joined by vagrant or deserting mercenaries and by skilled workmen, who made arms for them. Their armies at first probably differed little from Seleucid armies, except for a greater proportion of cavalry; and many who fought for them had learnt their business in Seleucid service.

Their kingdom was universally known to Greeks and Romans as Parthia and its rulers as Parthians; what they called themselves is unknown. The Parni were probably not the first invaders from the desert who settled in Iran[3], as they were not the last; and it has been suggested that the Parthava of Darius I's inscriptions also might have been recent settlers—they are not mentioned in the Avesta—and that the Parni recognized some kinship with them. But the appellation 'Parthia' for the kingdom is Greek, not native, and merely means that, when Greeks first observed it, the face it turned towards them was that of the old Parthian satrapy; indeed, the homeland of Astauene had probably belonged, not to Parthia, but to Hyrcania.

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[1] See W. W. Tarn, *Seleucid-Parthian Studies*, cited p. 582 n. 1.

[2] J. N. Strassmaier, *Z.A.* VIII, p. 110 (cf. vol. III, p. 247), on which see F. X. Kugler, *Sternkunde*, II, p. 448, n. 1; *Von Moses bis Paulus*, p. 339.

[3] For a possible earlier settlement of Parni, see vol. III, p. 81.

II. MITHRIDATES I AND PHRAATES II

Phraates I was succeeded by his brother Mithridates, the creator of the Parthian Empire. The date of his accession is quite uncertain; it has been put as early as 174, as late as 160. It is hardly material, for in any event his activity did not begin till well after the death of Antiochus Epiphanes in 163[1].

The defeat of Antiochus III at Magnesia in 189 worked considerable changes in Asia. The two Armenian kingdoms, and Atropatene, threw off any suzerainty which he may have exercised. Elymaïs also revolted under one Kamnaskires, whose affinities are unknown; his capital was the semi-Greek Susa and his coinage as king was purely Greek, but his fighting strength lay in the pre-Iranian Elymaei of the Zagros, unconquered hillmen, who had kinsfolk in the Elburz. Antiochus III, in need of money, attacked Elymaïs and met his death trying to plunder the temple of Bel. Antiochus Epiphanes subsequently attempted to restore the position in the east, but his attack on Elymaïs also failed, and on his way to reduce Parthia he died at Gabae (vol. VIII, p. 514). Kamnaskires annexed Gabiene and took the title 'Victorious'; on the south his kingdom touched the Persian Gulf, which probably means that he held Seleuceia on the Erythraean Sea. Hyspaosines son of Sagdodonacus, Epiphanes' Iranian governor in Mesene (Chaldaea), also revolted on his death and made a little kingdom, Characene, at the head of the Persian Gulf, which extended up the Tigris to Apamea and embraced the Greek cities on the west of the Gulf (the 'parts about the Erythraean Sea'), with some suzerainty over the neighbouring Mesenite Arabs. He also refounded Antioch at the Tigris mouth, damaged by floods, as his capital Charax (Kerak), rebuilding it on an artificial embankment. He must have claimed to be in the Seleucid succession, for during his brief rule in Babylon that city, though it naturally dropped the Arsacid Era (p. 592), dated, not by his reign, but by the Seleucid Era alone[2]. On the death of Antiochus Eupator in 162/1 Timarchus, satrap of Media, revolted and declared himself independent, and Persis also broke away from the Seleucids, if it had not done so earlier. Dim stories of fighting in Persis remain; the result was that the priest-kings of Persepolis, who had retained some quasi-autonomy under the Seleucids and had coined from about 250, made themselves kings of Persis with the title of Malik (Shah). Whatever Power held Media and Babylon was now cut off from the Persian Gulf by a ring of states, Characene, Elymaïs, Persis.

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[1] As Timarchus in Media copied the coinage of Eucratides of Bactria (*Cambridge History of India*, I, p. 457; cf. Volume of Plates iii, 14 *a*), Parthia in 162 was no serious obstacle to inter-communication.

[2] Tablet published by Pinches, *Babylonian and Oriental Record*, IV, p. 131.

This was the position when, somewhere before 160, Mithridates began his career of conquest. He first took Media up to the Zagros from Timarchus and annexed it to Parthia, making his general Bagasis satrap and doubling his own strength; Timarchus he left to be finished off by Demetrius I of Syria (vol. VIII, p. 519). Then he attacked Eucratides of Bactria, now weakened by his long duel with Demetrius of the Punjab[1], and retook the lost provinces, Tapuria and Traxiane, bringing his frontier back to the Arius. His next conquest was Elymaïs, where he secured 10,000 talents from the temples of Athena and Nanaia; as he had to take Seleuceia on the Hedyphon, the Greek element probably supported Kamnaskires. For two generations Elymaïs unwillingly remained a Parthian fief; as her coinage was in abeyance, it is not known how she was ruled. Persis became, and for nearly four centuries remained, Parthia's vassal, and Parthian influence is reflected on her coinage; the reason why her monarchy was never abolished is unknown. Eastward Mithridates extended his rule to the Hydaspes in Gedrosia (? Purali), Virgil's *Medus Hydaspes*, a name which gave rise to a legend that he made conquests in India. It is not known what happened to the southern provinces of the Bactrian kingdom; but if he held Gedrosia he must at least have taken Seistan and so much of Aria as gave him the great road northward from Seistan by Herat to Parthyene.

The conquest of Elymaïs brought him to the gates of Babylonia, a land of ancient cities, where the wealth of the eastern trade-routes poured into Seleuceia and the prestige of old renown clung to the name of Babylon; though Antiochus Epiphanes had refounded Babylon as a Greek city, the native element, whose centre was E-sagila, still kept continuity with the past. The Seleucid Demetrius II was fighting for his crown against the usurper Tryphon, and late in 142 Mithridates annexed Babylonia, though perhaps not Seleuceia. His conquest, on the strength of an astronomical table, has been put in July 141[2], the first dating in the Arsacid Era being believed to be 108 Ars.[3] (140–39 B.C.); but a contract exists dated 107 Ars.[4] (141–40 B.C.), and Mithridates must therefore have been master of Babylon some time before 1 Nisan (March–April) 141 B.C., the day on which 107 Ars. began (p. 593); Demetrius' last known date in Babylon is in February 142. Mithridates subsequently annexed Adiabene (Assyria), returned thence to Babylonia, and early in July 141 entered Seleuceia (if the broken name we have be Seleuceia), whether peaceably or otherwise is unknown. He now held Babylonia and the Tigris frontier to the northward, though northern Mesopotamia remained Seleucid, and in 140 he appears in a Babylonian document as 'King of Kings[1],' a revival of the old Achaemenid title (vol. IV. p. 185).

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[1] See *Cambridge History of India*, I, p. 446.

[2] See F. X. Kugler, *Von Moses bis Paulus*, p. 339 (S.H. 108); W. Kolbe, *Syrische Beiträge*, p. 38.

[3] F. X. Kugler, *Sternkunde*, II, p. 446.

[4] O. Schroeder, *Kontrakte der Seleukidenzeit*, no. 37; dated 107 Ars. = 171 Sel.

Mithridates is represented as a moderate and conciliatory ruler, and his assumption after he conquered Babylonia of the title Philhellene—a regular title of his successors after Phraates II—shows that he recognized the value of Greek co-operation; but the Greek cities remained loyal at heart to the Seleucid, and called on Demetrius for help. Demetrius could not relinquish Babylonia without a struggle; also its reconquest might strengthen him for the civil war in Syria. He secured Bactria, Elymaïs, and Persis as allies, which took time, for his envoys must have gone across Parthia in disguise. In December 141 a Bactrian invasion had already caused Mithridates to fly to Hyrcania, while the Elymaeans were marching on Apamea on the Silhu[2]; these dates are further evidence that Mithridates took Babylonia much earlier than July 141. Demetrius himself, leaving his competent wife Cleopatra Thea to hold Antioch against Tryphon, invaded Babylonia late in 141 or early in 140; he won some victories and recovered Babylon. But Mithridates was too strong for the coalition, and, having first driven out the Bactrians, he defeated and captured Demetrius (late 140 or early 139); he recognized his captive's value, kept him in honourable captivity in Hyrcania, and married him to his daughter Rhodogune. Elymaïs and Persis again became Parthia's vassals; whether Mithridates also subdued Characene is not known.

This was his last exploit; he must have died about 138, as 139–8 is the last date on his dated tetradrachms. The man who found a little kingdom and left an empire extending from the Caspian to the Persian Gulf must have had qualities; Greek writers schedule his virtues, and Arrian gives him a small list of superlatives modelled on his famous eulogy of Alexander[1]. He is said to have collected the best laws from every people in his empire, which may point to an attempted codification of Iranian law, after the pattern of Hammurabi's code; whether he began that reorganization of the provinces which appears under Mithridates II is unknown.

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[1] J. N. Strassmaier, *Z.A.* III, p. 129, no. 1 = J. Kohler and A. Ungnad, *Hundert ausgewählte Rechtsurkunden*, no. 94; dated 108 Ars.

[2] See F. X. Kugler, *Von Moses bis Paulus*, p. 342 (S.P. I, 176).

His son Phraates II was a minor, and his mother Ri. . nu became regent[2]; he took the Persian title 'King of the Lands,' but not apparently that of 'King of Kings.' Nothing is known of his reign till the year 130, when his kingdom had to encounter two great invasions simultaneously. The reigning Seleucid Antiochus Sidetes, brother of Demetrius II, had shown himself a strong and tolerant ruler; and, after disposing of Tryphon, recovering Judaea, and settling Syria, he set out to reconquer the East. He started early in 130 by the route east of the Tigris; Phraates was presumably in Hyrcania, but Antiochus, who had with him his son Seleucus and a daughter of Demetrius, defeated Phraates' generals in three battles and recovered Babylonia; the last known cuneiform document from Seleucid Babylon is dated in June 130. Unfortunately we know nothing of the cause of his success, the tradition only supplying some absurd figures; but the Greek cities would keep him well-informed, and Mithridates' conquest of the hill state of Elymaïs shows that the Parthians were not yet a people of horse-archers, though doubtless they were stronger in cavalry than the Syrian king. Antiochus next recovered Media, and demanded from Phraates tribute and the cession of everything except the old Hyrcanian-Parthian satrapy; it seemed as if he was to restore the empire of Antiochus III. But the winter was fatal to him. He wintered at Ecbatana, and had to divide his army among the neighbouring towns, mostly native; they disliked the burden and resented the conduct of his general Athenaeus; Phraates was able to arrange a simultaneous rising against the Syrians, and Antiochus, hurrying to the help of the nearest detachment, was defeated and killed. Phraates sent home his body in a silver coffin, and Syria mourned her last great king. Seleucus remained in honourable captivity in Parthia, and Phraates married Demetrius' daughter; but in the stress of the conflict he had released Demetrius to raise trouble as a pretender in Syria (see vol. VIII, p. 530 *sq.*). Phraates' absence from the seat of war in 130 must mean that the Sacas had crossed his frontier; tradition says that he staved off the invasion for a moment by taking their vanguard into his pay, which is possible. But after Antiochus' death he had to meet them seriously; he attempted to use Antiochus' mercenaries, who turned against him, and in 129 or 128 he fell in battle with the Sacas, and his kingdom lay open to the nomad hordes.

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[1] Assuming that Suidas, *Arsaces*, refers to Mithridates I.

[2] On the date of this document (A. T. Clay, *Babylonian Records*, II, no. 53) see E. H. Minns, *J.H.S.* XXXV, p. 34.

III. THE SACAS AND MITHRIDATES II[1]

The various tribes collectively called Sacae by Persians and Greeks (though Greek writers often wrongly use the term 'Scythian') were at this time a very numerous people; it seems that their countries were over-populated and in a condition of unstable equilibrium. Three main bodies of the race have been made out. The Amyrgian Sacas of the Pamir, who had once held, but had lost, Ferghana, the 'Amyrgian plain' of Hecataeus, do not come into this story. The Sacaraucae (Saka Rawaka) lived north of the Jaxartes; possibly their original seat was the Ili valley. The great Saca horde or confederacy called Massagetae held the Caspian steppes north of the Dahae, including the lower Oxus and Chorasmia; they extended northward to the country of the Aorsi, who from the Ural river stretched eastward round the Aral, probably to the Jaxartes. The Sacas themselves, who spoke a North Iranian language, were probably of Iranian origin; but the Sacaraucae, if they be Chang-k'ien's Kang-k'iu, as is likely, seem also to have contained Turki elements, while the Massagetae were thoroughly mixed; their Saca clans were ruling agricultural peoples in the oases and primitive fish-eaters in the river deltas (vol. III, p. 194).

The nomad invasions which destroyed the Graeco-Bactrian kingdom and transformed Parthia were the end of a movement of the peoples of Central Asia which started in Kan-su (North-west China) in the early part of the second century, when the Hiung-nu (Huns), a Turki horde with a blonde admixture, finally defeated and drove out a rival horde, the Yueh-chi. The Yueh-chi were largely the Indo-European Tochari, a blue-eyed people whose speech was akin to Latin and Celtic and whose journey from Russia to China can perhaps be traced by grave-mounds; but they were ruled by Turki clans, the Arsi (Greek Asii) and the Kuṣi (Kushans) being known. The trek across Asia of the defeated Yueh-chi has often been described; it suffices here to say that on the way they displaced a people called Sak or Sok in the Chinese accounts, doubtless the Sacaraucae, and drove them west and south; in 128 the Yueh-chi were in the Samarcand country, and those of the Sacaraucae (Kang-k'iu) who had not invaded Parthia were strung out through western Sogdiana and across the Jaxartes, the northern branch being subject to the Huns and those in Sogdiana to the Yueh-chi. These movements had set the whole steppe country in motion; Greek rule in Bactria ended about 135, and the nomads subsequently invaded Parthia. The invaders of Parthia included part of the Sacaraucae, but the larger body must have been furnished by the Massagetae; doubtless they swept along with them parts of other peoples, as (from their geographical position) the Dahae; it was a general upheaval, but we can only refer to the invaders collectively as Sacas. All the nomad peoples mentioned here were horse-archers, and the Chinese reckoned that each family supplied one horseman to the general levy; even if the Chinese figures be high—the Sacaraucae (Kang-k'iu) have 90,000 horse, later 120,000—their military strength in proportion to population was far greater than that of the settled peoples. The Yueh-chi, who soon after 128 occupied Bactria proper and subsequently faced towards India, took no part in the invasion of Parthia; but it was the visit paid to them in 128 by the Chinese Chang-k'ien, general and diplomat, which gave that shrewd observer his first knowledge of Parthia, a knowledge supplemented by the reports of the lieutenants he sent out in 115.

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[1] The references and reasons for much in this section are given in the writer's *Seleucid-Parthian Studies*, Proc. Brit. Acad. 1930.

The death of Phraates II left Parthia open to the nomads; of the brief reign of his uncle and successor Artabanus II nothing is known, save that it must have consisted of efforts to check the invasion. The Sacas entered Parthia proper and occupied Tapuria and Traxiane; here they must have divided, as the Persian desert and the great roads dictated, one body going westward, north of the desert, and one going southward, east of it. The former body presumably overran Hyrcania and Comisene[1]. Tradition mentions a Saca raid west of the Tigris, and a dark-skinned community of idolators (? Indians) existing in Armenia in A.D. 304 believed that their ancestors had fled thither before the (Saca) chief Dinashké. Beyond this, however, the westward invasion did not go; Artabanus may have been successful in checking it, and may even have recovered parts of Hyrcania-Parthia. But the larger body of the invaders went south, following the road by Herat to the Hamun lake and occupying Aria and Seistan; they founded a kingdom on the lower Helmund (Sacastene) in what had been the Seleucid province of Paraetacene, and occupied Candahar; later this flood was to pour eastward into India[1].

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[1] Isidore's source says there was no city in Comisene, which probably means that Hecatompylos was destroyed (it was rebuilt later), while the nomenclature of Hyrcania in Ptolemy is completely different from that of the earlier period, and a Saca town occurs there, Ptol. IV, 9, 7.

Such roughly was the position when about 124 Artabanus fell in battle with the invaders and his place was taken by his gifted son Mithridates II; probably the Parthia which Rome knew was more his creation than that of his uncle Mithridates I. His first preoccupation, apparently, was less with the Sacas than with affairs in Babylonia; probably, as will be seen, he entrusted the situation east of the desert to other hands till his rear was secure. When Phraates II went eastward to meet the nomads he had left as his governor in Babylonia one Himerus, a Hyrcanian, represented as cruel and vicious. Phraates himself had threatened Seleuceia with savage punishment for something done to his general Enius during Sidetes' invasion, a threat never carried out; but Himerus' business was to reduce Babylonia to order again after the disturbance, and he inflicted great damage on Babylon and sold many Babylonians as slaves in Media. This reference to Media implies that he had some authority there; and this, added to Diodorus' statement that he was king of the Parthians, may mean that during the troubled reign of Artabanus he was a rival king in the west. Numismatists assign to him a coin dated in 124/3[2] (which *might* belong to Mithridates II) and believe that he adopted the title 'Victorious,' presumably with reference to the capture of Babylon. The one thing certain is that he had a war with Hyspaosines of Characene and that Hyspaosines was king in Babylon in 127 and 126[3]; possibly the Greek element invoked his aid against Himerus, but it is difficult to see whence he obtained the necessary military strength, unless Elymaïs aided him. Whether Himerus' capture of Babylon preceded or terminated Hyspaosines' rule cannot be said. But if he was king at Mithridates' accession Mithridates made short work of him, for by 122 he had recovered Babylon and reduced Characene to vassaldom; a series of bronze coins of his dated 122/1 are overstruck on Hyspaosines' money, which with Parthian kings signifies military conquest[4].

This left him free to turn eastward. The broad outline is that the Parthians recovered Seistan, making Sacastene a vassal province, and took and ruled Candahar, perhaps another Saca state; they recovered Aria, and all Parthia up to the Arius boundary; finally they captured Merv, which was to remain Parthian. Chang-k'ien's Report, which incorporates the information he collected in 115, makes Mithridates' kingdom stretch along the bank of the Oxus and border to the north on the An't-sai (Aorsi) of the Aral, which doubtless means that he was overlord of the Caspian steppes up to where the Oxus entered the Aral, that is, of the Massagetae. One might guess that the Parthian arms struck at the centre of the long line held by the Sacas and rolled up the two ends, towards Candahar and towards Merv; the northern body were driven back on the steppes, the southern eastward to India. The northern campaign can be followed in the 'campaign' coins, a series unlike any other Parthian coins; five are known, two with the legend ΚΑΤΑΣΤΡΑΤΕΙΑ[1] and three bearing the names of Aria, Traxiane, and Merv—medals of conquest—which illustrate the Parthian progress northward[2]. Numismatists seem certain that these coins were not struck by Mithridates II and cannot be earlier than his reign, and so assign them to a mythical successor 'Artabanus II'; but as this Artabanus is unknown alike to Greek tradition and Babylonian records[3], and as Merv was Parthian by 115, the solution seems to be that they were struck by a joint-king: Mithridates, whose reign began with war on two fronts, copied the Seleucid practice and appointed a joint-king in the east, while he dealt with Babylonia. Doubtless the two subsequently co-operated. The coins of the joint-king are not part of the Parthian regal coinage, but were struck to pay his troops and record his victories.

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[1] E. J. Rapson in *Camb. Hist. India*, I, p. 567; E. Herzfeld, *Paikuli*, p. 38.

[2] Volume of Plates iv, 8, *g*.

[3] Tablet cited p. 578, n. 2.

[4] Volume of Plates iv, 8, *h*–*k*.

Parthia deserved well of western civilization for damming the nomad flood. The result of these campaigns was that the Massagetae were broken, their strongest elements having passed on into India; they partially recovered, but their fate was to be absorption by the Aorsi and thus ultimately to become part of the Alan horde. But the Sacaraucae who had remained in Sogdiana gained an accession of strength, probably from their returning tribesmen; they were able to free themselves from the Yueh-chi and establish their capital at Bokhara, and a generation later could again interfere in Parthia. But for the rest of Mithridates' reign Parthia had peace in the east; he received, with much pomp, an embassy from the Han emperor Wu-ti, and the road was opened for the inflow into Parthia of caravan trade from China through Chinese

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[1] Dr G. F. Hill has suggested that this is not κατὰ στρατείαν, 'on campaign' (cf. *O.G.I.S.* 225), but is the substantive of καταστρατεύομαι, 'offensive campaign.'

[2] Volume of Plates iv, 8, *c*, *d*.

[3] Because of an error in a proper name (Tigranes for Mithridates) Gutschmid shifted part of Trogus' *Prol.* XLI to XLII, thus making the Artabanus there named the successor, not of Tiridates I, but of Mithridates II.

Turkestan along the subsequently famous Silk Route, a development for which the main credit belongs to Chang-k'ien. Parthia now became of international importance, for in 92 B.C. Mithridates sent an envoy to Sulla; his reign thus saw touch secured with both China and Rome. In the south he drew tighter the suzerainty over Persis, and the great Zoroastrian fire-altar was replaced on her coins by the little altar of Parthia, known from Arsacid seals[1]. In the west he secured Mesopotamia and carried his boundary to the Euphrates, but a war with the queen of some Arab tribe, Laodice, who was supported by Antiochus IX Cyzicenus, is all that is known of the conquest; in 87 his governor intervened in the chronic civil war in Syria and captured Demetrius III Eukairos. His Mesopotamia included three vassal kingdoms: Adiabene and Gordyene (the Carduchi), which had probably asserted their independence during the general Seleucid break-up, and Osrhoëne, a little principality round Edessa; it had been formed in 132 by an Iranian, Osrhoës, probably a Seleucid governor, who in 127 had been succeeded, or ousted, by an Arab, Abdu bar Maz'ûr, ancestor of a long line. Probably from Zeugma to Nicephorium the Euphrates was Mithridates' frontier, but from Nicephorium to Babylonia he held the Peraea west of the river (Parapotamia), his boundary towards Syria being the desert. By 108 he had taken the title 'King of Kings,' which he used regularly; in 88 he had three queens, his paternal half-sisters Siake and Azate, and Automa daughter of Tigranes of Armenia[2]. He carried out, or completed, the Parthian provincial organization, and made a survey of his kingdom on the lines of the Seleucid survey, the 'Asiatic Stations' mentioned by Strabo[3]. Mithridates' dealings with Armenia will be noticed later.

But the end of his reign saw troubles in his kingdom. He was alive in 87, for Demetrius Eukairos was sent to him as a prisoner, and Demetrius' last dated coin is 88/7; but in 89 Gotarzes I was king in Babylon, which probably means that he had seized power there in 90, though as Mithridates was king in Kurdistan in November 88 we may suppose Gotarzes only held Babylonia, especially as his wife Asibatum is only called *bilit* (Lady) instead of the usual *sarrat* (Queen). Possibly Mithridates had never really secured Babylonia's willing allegiance. A period of considerable disturbance followed. Gotarzes' known dates are 89, 88, and 87; in 86 and perhaps 85[1] an unknown Arsaces, who *might* be Orodes I, is king in Babylon; by 80 the crown has passed to Orodes I (really Hyrodes), but whether he called himself 'King of Kings' has been doubted[2]. About 77 the Sacaraucae again intervened in Parthia and brought to the throne an old man, Sinatruces, who reigned till 70; again there is a doubt if he was 'King of Kings.[3]' This disturbed period ended with Phraates III, but the classical tradition has two well-attested dates for his accession, 70 and 66. There was however in 68 an Arsaces ruling in Babylonia whose wife Pi-ir(?)-us-ta-na-a is seemingly called Lady, not Queen[4], and whose position therefore was presumably similar to that of Gotarzes; and the explanation of the *two* classical dates may be that Phraates was crowned in 70 but was not king in Babylonia, *i.e.* master of his Empire, till 66. In 64 Phraates is 'King of Kings,' and we again have an established line.

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[1] Volume of Plates iv, 8, *m*, *n*.

[2] Professor Rostovtzeff has suggested in *Yale Classical Studies*, II, 1930, pp. 41 *sq.*, that the Avroman parchments are dated by the Arsacid Era. There are strong arguments for and against this view; it seems best to retain the Seleucid dating until a Greek document be found certainly dated by the Arsacid Era alone.

[3] xv, 723; see Kiessling, *s.v. Hekatompylos* in P.W. col. 2794. Bits of the Seleucid survey may be imbedded in the Peutinger Table; cf. Tomaschek, *Wien S.B.* 1883, p. 145. The Parthian survey was the basis of Isidore's 'Parthian Stations,' for though Isidore introduces later historical notices he is using a survey made after Parthia acquired Merv and before she lost Candahar, *i.e.* between 115 and somewhere about 75; the variant distances between Isidore and earlier writers given in Pliny may reflect the two surveys.

Plutarch calls this period one of civil war, and the disturbance was reflected in large territorial losses. Elymaïs had by 82 secured absolute independence under Kamnaskires II, an independence which his dynasty long maintained. The suzerainty over the Caspian steppes and the Massagetae was not held, though the Oxus was still the boundary between Parthia and the Sacaraucae (Bokhara) and Merv remained Parthian. More important was the loss of Seistan and Arachosia, where somewhere about 75 there was formed that 'Indo-Parthian' kingdom which Chinese writers call Woo-yi-shan-li; its kings ultimately ruled on both sides of the Indus and attained considerable power. Further movements in the East lie outside the scope of this chapter, and with Phraates III the story of Parthia shifts to the western front.

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[1] If the *Arsacid* dating in Reissner, Hymn 55 = no. 4 in M. I. Hussey, *A.J. Sem. Languages*, XXIII, p. 142, be the correct one.

[2] J. N. Strassmaier, *Z.A.* III, p. 129, no. 9, read *Sar Sarrani*; E. Schrader, *S.B. Berlin*, 1890, p. 1326, doubted the reading, cf. Minns, *J.H.S.* XXXV, p. 35. Kugler, *Sternkunde*, II, p. 447, no. 26, now supports Strassmaier.

[3] If the Arsaces of the document dated 172 Ars. = 236 Sel. in Strassmaier, *Z.A.* VIII, p. 112, *be* Sinatruces. Minns and Kugler, *ll.c.*, differ as to the title.

[4] Following Kugler's reading, *l.c.* no. 30.

IV. THE PARTHIANS AND THEIR EMPIRE

The stages by which the nomad Parni became the Parthian aristocracy are unknown; they brought nothing with them from the desert but their military ability and their own tolerant indifference, which occasionally recalls the great Mongols. It is however fairly certain that they were Iranians. Their kings' names, with the possible exception of Sinatruces, were all Iranian, drawn from figures of the Mazdean religion; no trace of Turki speech occurs; and even the Sassanids, while on religious grounds they attempted to forget the Parthian interlude and go back to the Achaemenids, nevertheless honoured as an old aristocracy the seven great 'Pahlavi' families, notably the Surēn, Karēn, and Aspahbed, perhaps because these were copied from the seven Persian families. But the Parni were definitely North Iranian, perhaps nearer akin to the Sacas than to the Persians. Their kingdom represented the triumph of the north over the south; but the south they could neither absorb nor really hold, and it was ultimately to overthrow them.

The Arsacid kings were absolute rulers, but the devotion of their followers was devotion to the family, not the individual. The monarchy was elective in the Arsacid house. There were two councils, one of the aristocracy, called by Greeks *probouloi*, and one of wise men and Magi; the councils jointly chose the king, who was by no means always the eldest son. Next to the king stood the seven great families, the right of crowning him being at this time vested in the Surēn[1]; by the first century Greek court titles like Kinsmen, Friends, Bodyguards had been adopted; great feudatories were called *skeptouchoi*. That the principal nobles, who supplied the provincial governors, were called Megistanes is only a deduction from analogy. In Armenia, which was a copy of Parthia, there stood above the governors the four great Wardens of the Marches, representing the four cardinal points; as a relief remains of the four quarters of heaven doing obeisance to Mithridates II[2] (which may mean that, like Cyrus, he took the Babylonian title 'King of the Four Regions'), there must have been similar Wardens in Parthia, representing upon earth the four 'Regent' stars of the Avesta who guarded the four quarters of heaven; they were seemingly called *batesa* or *bistakes*, the same word[3]. The kings had provided their Parnian followers with estates—that of the Karēn was near Nihawand in Media—but part of the aristocracy of the Empire must have been the original Iranian landowners; whether any discrimination was made between the two classes is unknown.

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[1] Surenas is not a title, but a family name like Arsaces.

[2] Fr. Sarre, *Die Kunst des alten Persien*, p. 26.

[3] See M. Rostovtzeff, *op. cit.* pp. 51 *sq.* on this title.

Of their society we know little. Polygamy was practised; the kings married their paternal half-sisters, as even some Greek laws permitted, or princesses of other lines, and their queens are sometimes named with them in the dating of documents, and could act as regents; the Greek statement that the Arsacids were sons of Ionian courtesans merely shows that the usual term of abuse in the East is two thousand years old. The queens with non-Iranian names might be daughters of hill-chieftains, another link with the pre-Iranian peoples. Art shows the king's headdress changing from the pointed Saca cap to the domed tiara broidered with pearls[1]; we see the nobles with frizzed hair and long coats of mail, the women with elaborate coiffures[2]; the royal ointment used at the coronation contained 27 ingredients. The nobles ate sparingly and drank heavily, palm wine being favoured; the spacing out of Parthian houses at Babylon, and a chance fragment of Apollodorus, may indicate a fondness for gardens. They kept certain traits of the desert, like blood-brotherhood, and lived largely on horseback. The occupations of a gentleman were hunting and fighting; if a king lived otherwise, he found little favour. Roman authors naturally accuse them of faithlessness, while Josephus (*Ant.* XVIII [9, 3], 328 *sq.*) says they always kept solemn engagements; history rather justifies the Jewish writer.

They were a silent race, quicker to act than to talk. Whatever their original dialect, they adopted that form of middle Persian called Pahlavik (Parthian Pahlavi), an ideographic system written in Aramaic, its ideographic methods being borrowed from cuneiform; it was akin to Parsik (Sassanian Pahlavi), and the roots of both systems have been traced to Achaemenid times. Parsik was represented at this time by the legends on the Persis coinage, and definitely belonged to South Iran, while Pahlavik faced northward; both Armenian and Sogdian borrowed freely from it. A lease from Avroman has now supplied a specimen of Pahlavik of the first century B.C.; a later example is the long inscription from Paikuli. The Arsacid records, if there were any, have perished; the Parthians were not literary, and have not left a line or an inscription about themselves; but the influence of Parthian writing on other languages and its effect on the *machinery* of literature shows there was more actual writing than we should suppose.

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[1] Volume of Plates, iv, 8, *a*; 10, *e*, *f*.

[2] *Ib.* iv, 18; 22, *a*.

Their writing material was parchment; the mass production of the Pergamum slave factories at first helped here, but later they must have manufactured for themselves; several parchments from Doura and Avroman are known. Parchment penetrated Babylonia and ultimately killed the cuneiform; a 'parchment scribe' is recorded at Uruk. (See also vol. VIII p. 665 n. 1). But more important was the effect on China. The first thing Chang-k'ien noticed about Parthia was that the people wrote on parchment from left to right; the convenience of this made the Chinese dissatisfied with their own writing materials, silk and split bamboo, and perhaps led to the achievement of Ts'ai Lun in A.D. 105—the invention of paper.

The Arsacids entered a ready-made kingdom, and had only to take over the Seleucid administration; and as their peculiar tolerance made them content to utilize Greek work they never created a really strong administration of their own. When the rest of the Seleucid Empire dissolved into a number of Succession States they were satisfied with exercising a loose suzerainty over the others as vassals; later times called the Arsacids 'kings of the sub-kingdoms.' What Parthian suzerainty meant is unknown; neither military contingents nor tribute from their vassals are heard of, though tribute there must have been. Beside the great vassals, there were petty dynasts in the Zagros and doubtless elsewhere. The provinces not under vassal kings were governed directly as satrapies, but the governor's title is unknown; possibly these provinces too were officially called 'kingdoms.' Their number varied with the fluctuations of the empire's boundaries; Pliny's eighteen belongs to a given moment only. The big Seleucid satrapies were broken up into smaller units; thus Parthia-Hyrcania became five provinces, Apavarktikene, Astauene, Parthyene, Hyrcania, Comisene; Media became five; and so on. This subdivision was common to every Succession State, with the possible exception of Persis. Elymaïs contained several eparchies, Bactria several satrapies, Cappadocia ten generalships; the subdivision in Armenia was drastic; even kingdoms like Adiabene and Characene, themselves only fractions of a Seleucid satrapy, exhibit the same phenomenon. Possibly all this subdivision went back to a common source in Seleucid organization; the provinces of Parthia and Elymaïs may represent pre-existing subdivisions of the Seleucid satrapies, administrative units intermediate (contrary to the usual belief) between satrapy and hyparchy[1]. The Parthians kept the Seleucid hyparchies, and the land-registers based on the hyparchy. For registration purposes a hyparchy might contain so many *stathmoi*, post-stations on a main road, possibly fortified, with the villages grouped round the *stathmoi*; a vineyard in Kurdistan is described as in the village of Kopanes belonging to the *stathmos* Baithabarta in the hyparchy of Baiseira; in a Mesopotamian hyparchy later no *stathmos* occurs. The Parthians planted military colonies, as, for example, the Mardi at Charax in Media and the Romans at Merv; the Avroman leases, in which non-Iranian names occur, pre-suppose a planned settlement.

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[1] See *Seleucid-Parthian Studies* (above, p. 582).

The kings must have had officials and secretaries who understood Greek, if only for diplomatic purposes; besides, they had many Greek subjects, and Greek was a common medium of commerce. Doubtless some Parthian nobles and governors knew Greek; Crassus' opponent Surenas spoke Latin[1]; an occasional Greek word may have been used, like 'diadem', which passed from Parthian into Sogdian and later into Mongolian[2]. But to speak a language for purposes of utility does not imply the adoption of the things that language represents, and there is no sign that kings or nobles were really touched by Greek culture; they never even took Greek names, and the hard-worked story that Greek plays were acted at the court is a mere mistake. They were simply ready to take what their Greek subjects could give—to use them as engineers and artists, purveyors of amusements, creators of wealth. The coinage illustrates this[3]. It is a Greek coinage, on the Attic standard like the Seleucid, which uses (though it alters) Seleucid types, dates by the Seleucid Era and (later) by the Macedonian month, employs the Greek language, and gives the kings masses of Greek cult names drawn from the coinage of Syria or Bactria; the persistence, for example, of the Seleucid elephant as a type shows that it was struck for the government in Greek city-mints, for Parthians never used elephants. But things like the adoption by Mithridates I of a *new* title, Philhellene, must be due to the king, who therefore exercised a certain control. The drachmae bore the king's portrait on the obverse, and on the reverse an archer, beardless and wearing the well-known Saca cap, seated on the omphalos like the Seleucid Apollo; the early kings are beardless, but from Mithridates I all the kings have beards, and under Mithridates II the golden throne of the Arsacids replaces the omphalos as the archer's seat; tetradrachms first appear with Mithridates I. The view has indeed been advanced[4] that no king coined before Mithridates I; but the supposition that the early coins are a sacerdotal issue of his reign made by a hypothetical 'Scythian' priesthood is, historically, too fanciful to accept, while the more worn condition of the 'beardless' coins in the Mandali hoard witnesses to their earlier date. The coinages of Elymaïs and Characene both begin with kings clean-shaven in the Hellenistic fashion, and the Iranian beard only appears as Greek influences weaken; either the early Parthian kings also shaved in imitation of the Seleucids, or their Greek artists thought it proper so to represent them.

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[1] This seems to follow from Plutarch, *Crassus*, 30.

[2] B. Laufer, *Sino-Iranica*, p. 573.

[3] Volume of Plates iv, 8, *a–l*; 10, *a–f*.

[4] J. de Morgan's view (see Bibliography) is supported by M. Dayet, *Aréthuse*, 1925, p. 63, and A. de la Fuye, *Délégation en Perse*, xx, 1928, p. 55.

The centre of Parthian power was populous Media, and during this period Ecbatana was the capital and summer residence; the kings wintered in Babylonia, but the foundation of Ctesiphon as a capital is later. Rhagae-Europus was renamed Arsacia, as was some town (Asaak) in Astauene; but probably the Parthians had already too many towns for their liking, and during this period they built nothing but Hatra in the desert, if indeed they did build it. The first style at Hatra approximates to the dated Parthian building at Ashur (Libba) of 88 B.C.; it was built as the frontier town on the route from Babylonia to Nisibis after Nisibis and Singara became Armenian. There was no Hellenistic planning about the city of Sanatruk the giant; it was an Arab town, in the centre of which stood a walled quadrangle, probably fortified, containing the Parthian buildings and palace; a similar quadrangle enclosed the Parthian buildings at Ashur. Building inscriptions[1] assign the palace at Hatra to 'King Orodes'; whether this means Orodes I or II of Parthia, or a vassal king, is an unsolved riddle. The buildings at Hatra and Ashur explain why the Arsacids never made Seleuceia their capital; there was no room for their quadrangle in the densely populated great city.

The calendar was complicated by the use of two eras, the Seleucid (in both its forms) and the so-called Arsacid. The Arsacid kings on their coinage employed the Macedonian Seleucid Era beginning 1 Dios and the Macedonian months, as seemingly did Elymaïs, Characene, Adiabene, and Seleuceia; the Pahlavik parchment from Avroman shows, however, that the Persian months remained in use in the country districts, as they did in Cappadocia and Armenia. Babylonia had her own version of the Seleucid Era beginning 1 Nisan, with the Babylonian months; to this, after the Parthian conquest, was added the Arsacid Era. This era assumed that the first full year of the first Arsaces had begun

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[1] See E. Herzfeld, *Z.D.M.G.* LXVIII, 1914, p. 661.

1 Nisan Sel. 65 (247 B.C.), and was calculated from that date; thus the first full year of Mithridates I at Babylon, beginning 1 Nisan Sel. 171 (141 B.C.), was called Ars. 107. This year, 107, is the first known dating in the Arsacid Era, and, except for one cuneiform document (p. 580, n. 1), possibly due to a scribe's omission, that era never occurs alone but always as a double dating with the Seleucid, usually in Babylonia; a double dated loan contract is now known from Doura[1], but the Seleucid dating governs the transaction. The origin of the Arsacid Era is unknown; for though Greek documents sometimes call it 'as the king reckons,' no instance of its use by any Arsacid king has so far come to light. Nothing prevents the belief that these kings may have used it from the start for their official records, if they kept any; but it also seems possible that it was merely invented at Babylon after the Parthian conquest, to enable Babylon to preserve her old custom of dating each year by the ruler who actually had the power to take the hands of Bel at the New Year festival without having to abandon her newer custom, so convenient for commerce, of dating business documents by the Seleucid Era.

For the country people of Iran the Arsacids signified little but a change of rulers. 'Parthian' art or trade means the art or trade of their subjects; the Parnian nobility did not carve reliefs or bargain with merchants; indeed their total indifference to the sea, which (except the Caspian) they never effectively reached, is most striking. In one way only was the common man affected. He now had rulers who were ready to profess his own Mazdean religion; doubtless this wise policy accounted for much of the support the kings gained at the start. What the Parthian religion really was is hard to say. They brought with them from the desert household gods for domestic worship; they probably, like the Massagetae, worshipped the Sun (subsequently identified with Mithras), whom they invoked before battle; the king was 'Brother of the Sun and Moon[2].' He was nearer heaven than his subjects, and none dined at his table, but that he was a god himself, as some believe, seems more than doubtful. The title *Theos* on some coins may only be the common Greek attitude of the time towards one whom it was politic to honour; nothing shows that the king was a god to his own people, though his *daimon* (*i.e.* his *fravashi*) may have been venerated[3]. Whether the beardless archer on the coins[1] represents the deified Arsaces (Tiridates' brother), founder of the dynasty, or some Parnian god, has been much debated; the earliest Chinese visitors took this figure for a woman, which may mean that they too could get no explanation. It might merely be the Achaemenid archer in Parthian guise on the Greek omphalos, the usual attempt to claim the heirship of both civilizations, as seen in Commagene and Elymaïs (p. 597).

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[1] M. I. Rostovtzeff and C. B. Welles in *Yale Classical Studies*, II, 1930, cited above. It is dated A.D. 121.

[2] On many coins the king's head is set between sun and moon.

[3] Inscription from Susa; see Fr. Cumont, *C.R.Ac.I.* 1930, p. 216.

The Arsacids certainly did not follow the teaching of Zoroaster himself, and the Sassanids refused to consider them true believers. They adopted popular Mazdaism, from motives of policy; but they only took what they chose, and the amount grew less with time. The Magian prohibition of pollution of the sacred elements, earth and fire, was not observed, except by pious *individuals*; bodies of enemies were sometimes burnt, and the numerous Parthian coffins, constructed to hold the body, not bones, prove that the Parthians did not habitually expose their dead to the birds; the kings themselves were buried like the Achaemenids. Sinatruces, the one king with a name possibly non-Iranian, *perhaps* married his full sister[2]—the Magian custom; no other case is recorded. The Magi maintained the holy fires, and at Ecbatana sacrifice was offered daily to Anaitis; conceivably they would have been intolerant had they dared, for (whatever its actual date) the fable in which the Persian goat triumphs rather brutally in argument over the sacred tree of Assyria may exhibit their spirit[3]. But the kings, though they honoured the Magi and called them to council, were ready to respect every religion[4]. Greek deities appear on their coins; the Jews regarded them as friends, and proselytized freely; the religion of Babylon spread as it pleased; no local cult was disturbed. But their catholic tolerance may have been due to indifference rather than to enlightenment. One gathers the impression that they thought all religions useful, none material; what mattered to a man was his horse, his bow, and his own right arm.

It was the kings of Persis, ancestors of the Sassanids, who considered themselves guardians of the true Zoroastrian faith. On their earlier coins the priest-king, the 'Fire-kindler,' ministers before a great fire-altar above which hovers Ahura-mazda[1]; beside it stands the sacred banner of the smith Kava, the Sassanian standard, under which some believe Darius III had fought at Issus. But Persis did nothing to spread the faith, even if the Persian gods on the Kushan coinage in India may have come from her, not from Parthia[2]. Mazdaism was expanding of itself in the western borderland, in Pontus, Cappadocia, Armenia, Commagene,, and among the pirates of Cilicia; but what was spreading was essentially the popular belief and its gods, notably Mithras. Whether the later movements of Persian religion and nationality ever began to stir beneath the surface in Parthia is unknown.

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[1] Volume of Plates iv, 8, *a*.

[2] J. N. Strassmaier, *Z.A.* VIII, p. 112 (= F. X. Kugler, *Sternkunde*, II, p. 447): 'Arsaces, King, and Ishbubarzaa his sister, Queen'; 76/5 B.C. She was possibly however a half-sister.

[3] See Sidney Smith in *Bull. School of Oriental Studies*, IV, 1926, p. 29.

[4] The first great translator of the Buddhist scriptures into Chinese, in the second century A.D., was an Arsacid prince living in China: P. Pelliot, *Rev. d'hist. et de litt. relig.* 1912, p. 106.

The Greek cities of the east had been loyal to the Seleucids while they could be, but when the Seleucid Empire broke up they became enclaves, without any political background; perhaps after Sidetes' death they accepted the position, for in the first century they often contained pro-Parthian parties. Their cultural background, however, remained, and there was no break in their life. They retained their constitutions and magistracies, and probably had just as much autonomy under the Parthian *epistates* (city governor) as under the Seleucid; he was now sometimes not a foreigner but a citizen of the city, even a magistrate, and had certain judicial powers; possibly the 'tyrants' of some Greek cities were really the Parthian *epistatai*[3]. Doura shows that the city registries of deeds still functioned. Mixture of blood had begun, but some Greek communities, like that of Seleuceia, kept themselves purely Greek. Seleuceia, whenever her factions chose to unite, could defy the Parthians; in the confusions of 89/8 her Council began to issue autonomous coins, and apparently some other cities followed. Greek remained a dominant and even aggressive language; inscriptions and coins show that it did not begin to become ungrammatical much before the second century A.D., despite the blundered legends on some coins of Orodes II, due to oriental workmen; the Greek leases from Avroman of the first century B.C., made between natives and drawn up by a local scribe, illustrate its grip even on remote country districts; the law of the Greek cities was never superseded by anything Asiatic. In Babylonia during this century Babylonians continued to take Greek names; there are tablets on which the Babylonian words have been written in Greek for the use of learners[4]; very striking is a Babylonian dedication, a living document issuing from a priestly circle, written, not in cuneiform, but in Greek letters[1]. A Greek diptychos from Doura with folded wooden leaves may be the ancestor of the first true book.

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[1] Volume of Plates iv, 8, *m*.

[2] *Ib.* iv, 10, *g*.

[3] A city might also be under an hereditary feudal governor or *arkapat*; see M. Rostovtzeff, *op. cit.* p. 55.

[4] See vol. III, p. 247 (cf. p. 720 [5]).

Throughout the first century Greek literary activity continued. Apollodorus of Artemita wrote that *History of Parthia* whose loss we deplore. Isidore of Charax compiled a description of the Parthian empire, while his *Parthian Stations* is our best literary authority for the time; Augustus drew on the knowledge of the East possessed by Dionysius of Charax, if indeed Dionysius be not Isidore himself. Archedemus of Tarsus, a pupil of the famous Stoic Diogenes of Seleuceia, set up a school in Babylon. Diogenes the Epicurean visited Seleuceia, as did the rhetorician Amphicrates of Athens; the Seleuceians begged Amphicrates to set up a school among them, but he said that a dish would not contain a dolphin. Herodicus of Babylon, critic and grammarian, interested in the warfare of literary cliques, recorded that he had two homes, Hellas and 'Babylon child of the god'—a recondite allusion to the nymph Babylon as Bel's supposed daughter; Herodorus of Susa wrote the poem whose language and elaborate metre show the vitality of Hellenism in his city[2]. Some Greeks learnt Babylonian; Isidore knew Aramaic; the numerous half-breeds supplied interpreters. No doubt Hellenism was weakening, but in spite of mixed marriages it was not as yet dying. It was probably on the religious side that the Oriental reaction affected Greeks most. At Uruk and Susa Greeks dedicate girl children as hierodules in native temples[3]; in Herodorus' ode to Apollo, addressed by the Semitic name Mara, the tendency appears to merge all gods in the Sun as the sole and supreme object of worship; in the first century A.D. names at Doura are freely drawn from among all the gods and goddesses in the Near East.

The revival of Babylonia under the first Seleucids was working itself out to its conclusion, but Babylonian culture still showed some living strength. Cuneiform writing long held its own against more modern scripts; the last known cuneiform is dated 6 B.C.[4] The astronomical schools were still at work, and the famous Seleucus may have lived into Parthian times; a table for the moon's positions, calculated on the formulae of the older astronomer Naburian, whose name was known to Greeks, was drawn up as late as 49 B.C.[1] Babylonian astrology flooded the world; two first-century Babylonian writers treated of the effect of precious stones on human destinies; about the Christian era the book of Teucros of Babylon, whether a Greek or a native, gave shape to a mass of astrological constellations which for long ruled the skies of Asia[2]. The elaborate ritual of the old gods was still celebrated at Uruk, and they still possessed some activity. Adad and Nanaia became the chief deities of Doura; if Beltra of the Peutinger Table be Adrapana, Bel reached Ecbatana; he did reach Palmyra, and also Cappadocia, where an Aramaic inscription[3] shows the Mazdean religion personified as Bel's sister and spouse—a true allegory, for popular Mazdaism had been much affected by Babylonian ideas, and there was a tendency to equate Ahura with Bel no less than with Zeus. It is believed that the Babylonian New Year festival was even celebrated at Ashur. Certainly to Parthia Babylonia remained a strange foreign land, as Chinese observers noticed; of the things she could give—learning, wealth, prestige—only the two latter would attract the Arsacids. But even Parthia could not entirely resist Babylonian religion; there has been found, attached to the temple of Anu at Uruk, a Parthian chapel intended for some Babylonian cult.

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[1] W. G. Schilieco, *Arch. f. Orientforschung*, v, 1928, p. 11.

[2] Other Greek poems from Susa of this time are now known.

[3] A. T. Clay, *Babylonian Records*, II, no. 53; Fr. Cumont, *Délégation en Perse*, xx, p. 84, no. 4, *C.R. Ac. Inscr.* 1931, p. 278.

[4] See vol. III, p. 247.

Of Elymaïs little is known. Her symbols, the star and crescent and the anchor (if it be an anchor), may suggest that, like Commagene, she claimed to represent both Achaemenids and Seleucids; a mausoleum discovered at Susa may be the tomb of one of her kings. Her goddess Nanaia, often equated with Anaitis, was one of the most popular deities of western Asia; in her great temple at Azara in Elymaïs tame lions lived in the precinct, as in that of Atargatis at Bambyce. Characene was little but the background of her cosmopolitan trading port, Charax; her kings' names reveal a very medley of tongues and cults, Babylonian, Persian, Elamite, Arab; the Greek element is certain. But if Charax was cosmopolitan, a community farther up the Tigris kept themselves apart—the Assyrians at Ashur. The Aramaic inscriptions found there, largely of the Christian era, show a little body of people, among them perhaps a family of temple priests, still carrying on the worship of Ashur and his consort Serui at the accustomed spot, though the old Ashur temple had been replaced by a Parthian building; save for Nanaia, they worship no other god; their names are purely Assyrian, and Greece and Iran have alike left them untouched; in the third century A.D. there appears among them the name Esarhaddon. It is a pathetic survival of one of the toughest peoples of antiquity.

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[1] P. Schnabel, *Berossos*, p. 244.

[2] Fr. Boll, *Sphaera;* Fr. Cumont, *Rev. Arch.* 1903, I, p. 437.

[3] M. Lidzbarski, *Ephemeris*, I, 69.

The revenue of the Arsacids is unknown, but they grew wealthy on their subjects' trade; customs houses and *octroi* stations are mentioned, and there were some very rich men in Babylon. At a later time both Roman and Chinese writers complained that Parthia jealously blocked trade between them, but during our period there seems to have been remarkable freedom of movement; Greek literary men might be at home both on the Ilissus and the Euphrates, and the eastern Jews had free intercourse with Palestine; in Hyrcanus' reign the President of the Sanhedrin was Nitai of Arbela[1]. The mass of Seleucid coins in the Teheran and Mandali hoards attest much trade with Syria, even in its decline; in 55 B.C. Seleucid gold still circulated in Babylonia[2]; the Samaritan trader Eumenes, whom his wife Arsinoe buried near Conchobar in Media, may belong to this time[3]. Chang-k'ien was struck by the keenness of the people to trade, and after 115 trade with China became active; silk came to Parthia, and Chinese figured silks may have appeared in Egypt[4]; Syrian textiles reached Urga in Mongolia[5], and coins of Mithridates II made their way to Karghalik in Turkestan[6]. Parthia began to import from China the famous Seric iron, called Margian because it came in through Merv[7]—a fact very damaging to the theory that it came from the Cheras of southern India. Chang-k'ien took to China seeds of the grape-vine and the Median lucerne; China sent to Iran the apricot and the peach, and subsequently received the 'Parthian fruit,' the pomegranate[8]. The one-humped Arabian camel, domiciled about the Persian desert before Alexander's day, was now used by the Yueh-chi in Bactria; the great Nesaean chargers travelled to Ferghana and thence in 101 B.C. passed to China, where they were called 'heavenly horses'; somewhat later China imported ostriches—'Parthian birds'—from Babylonia. China had long since got her constellations from Babylon[9]; she now took from Sogdian the names of the planets[1]. Traders too brought their gods; Ma of Comana reached Susa, Isis (seemingly) Uruk. In the first century there must also have been trade communication between Parthia and India, though most of the evidence is later; but the round omicron changes to the square form on coins of Maues and Azes in India in correspondence with the similar change on the coins of Orodes II, and some of Orodes' coins were stamped for re-issue by some Indo-Parthian king[2]. Parthian silver coins remained of good value till after Phraates IV, even while the Hellenistic currencies were depreciating[3].

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[1] M. Mielziner, *Introduction to the Talmud*, 2nd ed. p. 22.

[2] A. Dumont, *Mélanges d'archéologie et d'épigraphie*, 1892, p. 134.

[3] Fr. Sarre and E. Herzfeld, *Iranische Felsreliefs*, p. 226.

[4] Sir A. Stein, *Burlington Magazine*, 1920, p. 3.

[5] W. P. Yetts, *Burlington Magazine*, 1926, p. 168; M. Rostovtzeff, *The Animal Style in South Russia and China*, 1929, Pl. xxiv A, and p. 85.

[6] Sir A. Stein, *Serindia*, III, p. 1340.

[7] Combining Orosius, VI, 13, 2 with Plutarch, *Crassus*, 24.

[8] B. Laufer, *Sino-Iranica*, pp. 190, 284, 539.

[9] C. Bezold, *Ostasiat. Zeitschrift*, VIII, p. 42.

Whether any bulk of trade passed by the Caspian-Euxine route, at any rate till Roman times, is very doubtful. The main trade road, described by Greek and Chinese writers, came from China through Chinese Turkestan and the mart at Lan-che (Bactra) to Merv, and thence ran Hecatompylos-Ecbatana-Seleuceia; the eastern section has recently been explored[4]. By the first century B.C. the disturbances along the Euphrates due to the Seleucid break-up were over, and from Seleuceia Parthia possessed two main roads westward. One went north through Ashur and Hatra to Nisibis, whence branches ran to Zeugma and into Armenia; the wealth of Hatra, which may be the unidentified Ho-tu of the *Annals of the Later Han*[5], attests the commerce which passed. The other crossed the Euphrates at Neapolis, followed the west bank by Doura to Nicephorium, and thence went up the Belik to Carrhae and Zeugma; the inscriptions on Iamblichus' tomb at Palmyra may suggest that the short cut from Doura to Syria via Palmyra began to come into use about 100 B.C. Between these two roads ran the desert road of the Skenite Arabs, noticed later. In the south, Persepolis became 'the mart of the Persians,' and Persis, which now ruled Carmania and could exploit its mineral wealth, grew rich and luxurious; but there is no direct evidence that the route Persepolis-Carmania-Seistan to India carried much trade, and the omission of this road by Strabo, though he thrice mentions the Persepolis-Carmania section, may be against it. Communication between the Euphrates and Indus is well attested later; but there are indications that, even at this time, trade was taking the sea route to India from Charax and (for Persis) from the Gulf of Ormuz. Some one indeed had tried to improve this sea route by establishing agriculture on the Gedrosian coast, the fact hidden behind Pliny's story (*N.H.* vi, 95) that 'Alexander forbade the Fish-eaters to eat fish.'

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[1] R. Gauthiot, *Mém. Soc. Linguistique*, 1916, p. 126.

[2] E. J. Rapson, *J.R.A.S.* 1904, p. 677. See Volume of Plates iv, 8, *l*.

[3] J. Hammer, *Z. Num.* XXVI, 1907, p. 86.

[4] Sir A. Stein, *Innermost Asia*.

[5] Unidentified: E. Chavannes, *T'oung Pao*, VIII, p. 177.

Art in the Parthian period has now definitely come into view, and some would even assign it a character of its own; there are statuettes, terracottas, and the characteristic glazed sarcophagi. Possibly it meant two distinct streams. One was decadent Hellenistic with oriental elements, like the plaster and painted Victories from Doura[1] and the Ashur steles; the other was a rude native art struggling for expression, as in the figures of the Parthian nobles with frizzed hair. One such noble on a clay mould stands before a definitely Hellenistic goddess (? Anaitis)[2]; the same hand never made both figures. Achaemenid art had been a king's art which died with the dynasty; the Iranian people had to make a fresh start. Where better work is found it is simply Greek, like the coin-portraits of Artabanus II; that of Tiraeus I of Characene in old age[3] and the fine Graeco-Assyrian head of Mithridates I stand alone[4]. Far better than the statuary, seemingly, was the ornamental metal work of the period, as illustrated by the gold and silver vessels of the Treasure of the Karēn, most of them unfortunately dispersed and melted down, which show Greek and Achaemenid influences[5]. For architecture, we now have temples at Ashur and Uruk, palaces (or halls) at Ashur and Hatra[6], a peristyle house at Nippur; in the usual view it is decadent Hellenistic work moulded by Iranian influences; all three orders occur, with a fondness for engaged columns. Parthian tombs, built of brick and barrel-vaulted, have been discovered at Ashur, Ctesiphon, and elsewhere. Persis exhibits a style of its own, said to have been traced right across Asia—square buildings with flat roofs and cupolas. Scanty as are its remains, the art of Iran in the Parthian period was destined, in the view of some scholars, to have no small historical importance. To Professor Strzygowski, who refuses to see in it Hellenic influences, it was destined to play a large part in history through its decisive influence on the art of Armenia; Professor Rostovtzeff believes that its influence can be traced alike in the arts of Palmyra, of South Russia, and of China in the Han period.

This sketch of the empire must end, as it began, with the Parthian aristocracy themselves, for they had one accomplishment of their own—war. It speaks well for a military people that they were not more aggressive; and indeed Parthia was always stronger in defence than in attack. Judging by the Sacas, the Parni brought from the desert two modes of fighting on horseback; the wealthy wore armour and used swords or spears, and their horses had metal breastplates; the common people, when mounted, were light-armed horse-archers. The armoured rider was conditioned by the power of his mount, but once the Parthians had acquired Media and the Nesaean horses this arm developed rapidly. The Nesaean horses had always been a large breed, and the Parthians bred them bigger and bigger till they became the magnificent chargers of the Sassanian reliefs, prototypes of the huge German and Flemish war-horses of the Middle Ages; they had, says Strabo, 'a shape of their own,' and popular literature compared them to elephants[1]. The riders developed their armament to correspond, and by Crassus' time differed little from medieval knights; they wore long coats of mail to the knee, helmets, and mailed greaves; they are described as built into their armour, and rather helpless if knocked off their horses[2]. The horses, too, were armoured, and the spears, which Greeks called 'barge-poles,' had grown enormous. Unlike the medieval knights, however, these 'cataphracts' had one vulnerable spot; as they rode without stirrups, their thighs were left unarmoured to ensure a good grip, and they could be attacked from the flank. Antiochus III, after meeting Parthians, had experimented with cataphracts at Magnesia; the Armenians copied Parthia after Tigranes had raided Media for horses; the heavy armament reached China[3], and Wu-ti sent two armies to Ferghana to obtain a few of the coveted Nesaean chargers; in the hands of the Sarmatians and the Sassanians the mailed cataphract cavalry became the weapon of Asia. It was the arm of the aristocracy, as in the Middle Ages; and the frequent recurrence of one number, 6000, when cataphracts are mentioned in other countries in this period suggests that 6000 was really the full force of Parthia.

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[1] Volume of Plates iv, 18, *a*, *b*.
[2] *Ib.* iv, 22, *a*.
[3] *Ib.* iv, 10, *a*, *b*.
[4] *Ib.* iv, 24.
[5] E. Herzfeld, *Burl. Mag.* 1928, p. 21.
[6] Volume of Plates iv, 20, *b*.

But in the first century B.C. it looked as if the weapon of Asia was to be, not the cataphract with his heavy horse and great spear, but the horse-archer with his light horse[4] and bow shortened below the grip for use in the saddle. At some period unknown—it is difficult to dissociate the process from the Saca invasion—

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[1] W. W. Tarn, *Hellenistic Military and Naval Developments*, pp. 77 *sqq.*, 156 *sqq.*

[2] See Volume of Plates, iv, 26, *c*.

[3] B. Laufer, *Chinese Clay Figures*, p. 217; M. Rostovtzeff, *Mon. Piot*, xxvi, p. 135; *The Animal Style in South Russia and China*, p. 107.

[4] See Volume of Plates iv, 8, *c*; 26, *b*.

the Parthians abandoned the mixed Hellenistic type of army for the horse-archer; they used no more mercenaries and hardly any footmen, and had no standing army. Their horse-archers, like the Achaemenid cavalry, consisted of the retainers of the landowners and nobles, who followed their lords to battle; the Parthian innovation was to abolish javelin and short spear alike, and arrange that the whole nobility, Parthian and Iranian, should arm their retainers with the bow. From youth up they were trained in shooting; and their method, brought from the desert, of pretending to fly and firing back over the crupper—the 'Parthian shot'—became famous. Greeks called some of these retainers 'slaves,' which has led to the suggestion that the Parthians used Janissaries; more probably it was merely the same misunderstanding which had caused Greeks to call even Achaemenid satraps or princes 'slaves' of the Great King[1], helped by Greeks translating some Parthian term for 'aristocrats' as ἐλεύθεροι, free men (Josephus, *Ant.* xiv [13, 5], 342). By Crassus' time the re-arming of Asia was complete, and a Parthian army consisted of just two formations, the mailed knights and their retainers the horse-archers. It meant that the walls of Seleuceia or the mountains of Elymaïs could defy them; but they were not thinking of Elymaïs, and against walls Greek science might be used. Tradition puts the total Parthian levy of horse-archers at 40,000. The West had small belief in horse-archers; Alexander had not been much impressed by those he met, Lucullus had had little trouble with those of Armenia, and Parthians, it was said, could not fight for long; it was apparently an axiom that horse-archers soon ran out of arrows. But Parthia was to produce a man who realized the possibilities of the long-range weapon if sufficiently munitioned.

V. PARTHIA AND ROME

Armenia has already entered into the history of this period in the Mithridatic Wars (pp. 356 *sqq.*). The story of her rise cannot be told, because it had perished before the Armenians began to write history; the line of Arsacid kings with which their annalists filled the blank is fictitious. Armenia had apparently never been subject to the Seleucids till Antiochus III compelled Artaxias and Zariadris, rulers of Armenia proper and Sophene, to accept his suzerainty and govern as his generals; but they recovered their independence after Magnesia (vol. VIII, p. 514). The country was one of those in which an Iranian aristocracy ruled over the native population, as in Pontus, Cappadocia, Commagene, and Atropatene. In the course of the second and first centuries it had close relations with the growing power of Parthia, from whom it borrowed much; it became a copy of Parthia in many things besides military organization.

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[1] See A. S. F. Gow, *J.H.S.* XLVIII, 1928, p. 134.

Mithridates II after his conquest of Mesopotamia attacked Artaxias' descendant Artavasdes, took his son Tigranes as hostage, and ultimately put Tigranes on the throne, taking seventy valleys in payment and marrying his daughter. The confusion in Parthia after Mithridates' death was Tigranes' opportunity; having united Armenia by the conquest of Sophene, he recovered the seventy valleys and took Gordyene, Adiabene, and Nisibis, bringing his Mesopotamian frontier south of Singara; then he invaded Media, burnt the palace at Adrapana, and presumably secured a supply of Nesaean horses (a breed he may have already possessed) for his cataphracts. Parthia was now confined to the Euphrates route to Osrhoëne and Zeugma, until Hatra was built; and Tigranes, for commercial reasons, secured the submission or goodwill of the Skenite Arabs and the advantage of their trade route, which, avoiding cities, ran from Babylonia through the Mesopotamian desert, crossed the Belik between Ichnae and Carrhae, skirted Anthemusias to the southward, and reached the Euphrates opposite Bambyce. Tigranes also made Atropatene subject, conquered northern Syria (in 83), and called himself 'King of Kings'; conceivably this or that Arsaces was even his vassal. He had grown great, and had effectually humbled Parthia.

In 92 Parthia came into contact with Rome: Sulla was on the Euphrates, having settled Cappadocia, and Mithridates II sent an envoy to him with a request for friendship and alliance; both saw with concern the growing power of Pontus. The first relations of Rome and Parthia were consistently friendly; in 73 Sinatruces refused an appeal for help from Mithridates of Pontus, and in 69, after the battle of Tigranocerta (p. 368), Phraates III again sought friendship and alliance from Tigranes' conqueror Lucullus, who recognized the Euphrates as Parthia's boundary. Tigranes now appealed to Phraates for help against Lucullus and offered to restore Gordyene, Adiabene, Nisibis, and the seventy valleys. It was tempting; Phraates hesitated; Lucullus would have attacked him, but his troops practically mutinied; finally Lucullus' successor, Pompey, offered Phraates the same territory and also recognized the Euphrates as boundary. Phraates thereon decided for Rome, accepted Pompey's offer, and invaded Armenia; but he failed to take Artaxata and went home again, and it was to Pompey that

Tigranes surrendered. Phraates proceeded to occupy the promised territory. But Tigranes was now Rome's friend; probably, too, Pompey thought that Phraates had shown insufficient zeal[1]. He ordered him out of Gordyene, and without waiting for a reply sent his general Afranius to expel his men; Afranius gave back Gordyene and Nisibis to Tigranes and marched home through Mesopotamia. Parthia never forgot Pompey's double-dealing; it was the breach of faith of which Surenas afterwards reminded Crassus. Phraates sent Pompey a protest, and received an insolent reply; he thereon again attacked Tigranes. But both kings saw that their quarrel could only advantage Rome; they accepted Pompey's arbitration and made peace; seemingly Tigranes kept Gordyene and Nisibis and Phraates Adiabene. Phraates also lost part of western Mesopotamia, where the king of Osrhoëne, Pompey's friend Ariamnes or Mazares (*i.e.* Maz'ûr), officially called Abgar II, became Rome's ally, as did Alchaudonius (or Alchaedamnus), an Arab dynast west of the Euphrates. It is said that, after Phraates' protest, Pompey thought of invading Parthia, but considered it too hazardous; but the idea, once started, bore fruit later.

About 57 Phraates was murdered by his sons Orodes and Mithridates, and the elder became king as Orodes II. Mithridates soon revolted, drove out Orodes, and struck coins which bore his name, the first Arsacid to do so[2]. The general Surenas however restored Orodes with his private army (p. 607), and Mithridates fled to Gabinius, proconsul of Syria, and persuaded him to reinstate him (55); Gabinius had actually crossed the Euphrates when a more lucrative undertaking presented itself. Ptolemy XI (Auletes) of Egypt had in 58 been virtually expelled from Alexandria on account of the loss of Cyprus and had gone to Rome; there he had gained Pompey's ear, and Pompey recommended him to Gabinius, to whom he promised 10,000 talents as the price of his restoration. Though unauthorized by the Senate, Gabinius invaded Egypt, restored Ptolemy to his throne, and returned to Syria; he was subsequently condemned for his action and fined the 10,000 talents he had received (p. 621 *sq.*). Mithridates returned to Parthia and raised his partisans, but Surenas shut him up in Seleuceia and ultimately (in 54 B.C.) took the city, doubtless with help from within the walls; on Orodes' coins Seleuceia kneels to him[3], and he secured his throne by putting Mithridates to death.

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[1] Dio shows that Pompey had attached no conditions to his offer, beyond alliance (XXXVI, 45, 3; 51, 1; XXXVII, 5 and 6).

[2] H. Dressel, *Z. Num.* XXXIII, p. 156. See Volume of Plates iv, 10, *c*.

[3] *Ib.* iv, 10, *d*.

We must turn for a moment to Rome. The conference of the triumvirs at Luca (p. 535), which had arranged that Pompey and Crassus were to be consuls for 55, had perhaps also decided on the conquest of Parthia, to be carried out by Crassus as proconsul in Syria; what passed is not known, but the idea may have been due to Caesar as much as to Crassus, though Crassus welcomed it. Crassus had now turned 60, but was old for his age and rather deaf. He had always followed where others led; he had amassed wealth, but had not achieved either the renown or the popularity of his two colleagues; he had an unhappy sense of inferiority. It has been suggested that his object was the control of the silk trade[1]. The master of Seleuceia would control most things coming from China or India; but, though Parthian gold doubtless attracted him, his principal aim was nevertheless conquest for itself, fame in the field which should put him on a level with Caesar and Pompey in the popular mind. Tradition, right or wrong, says he desired even more than this; he hoped to reach the Eastern Ocean and surpass Alexander. He had read some history, but he probably knew little about Parthia; he thought Parthians were like Armenians, and, misled by Lucullus' victories, looked forward to easy and well-gilded laurels; his one fear was that success might be too easy, thus diminishing the coveted glory.

He began to prepare during his consulate. The Trebonian law of 55 gave both consuls the power of recruiting troops, not only in Italy but in the provinces; but Pompey and Caesar had already had their pick of the youth of Italy, and Crassus had to employ press-gangs and got some second-rate material. His project was unpopular: the Optimates fought him with the cry that Parthia had done no wrong and that to attack her was unjust; Cicero wrote later 'We had no pretext for war,' and indeed all the grievances were on Parthia's side. On the earliest legal day, the Ides of November 55, Crassus left Rome in his uniform (p. 618). The temper of the crowd, led by the tribune C. Ateius Capito, was so ugly that Pompey had to throw the cloak of his own popularity over Crassus to get him away without trouble; and as he passed out of the city Ateius sat in the gateway beside a brazier and with the solemn curses of an ancient ritual devoted him to the infernal gods, the first of many evil portents which, so men believed, attended the ill-starred expedition. He embarked at Brundisium for Dyrrhachium, lost some ships crossing, marched to Syria, and in the spring of 54 took over the province and the troops there from Gabinius. There was still civil war in Parthia, and Mithridates still held out in Seleuceia.

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[1] P. Giles, *Proc. Camb. Philol. Soc.* 1929, p. 1.

VI. THE INVASION OF CRASSUS

With the troops taken over from Gabinius, Crassus had seven legions in Syria, with their quota of cavalry and light-armed; it has been suggested that he must have had an even number, eight[1], and left one behind in Syria, but there seems no reason to discredit the tradition. His legates were Octavius, Vargunteius, and his son Publius Crassus, the conqueror of Aquitania, whom Caesar had sent to him with 1000 picked Gallic horse, the best corps he had; C. Cassius Longinus, afterwards Caesar's murderer, was quaestor. Roman cavalry was seldom effective and Crassus knew that he would need more than he had, but for this he relied on Rome's allies; Abgar and Alchaudonius could bring light horse, and Artavasdes of Armenia, who had recently succeeded his father Tigranes, could supply a considerable force. He began operations at once by invading Mesopotamia; the Parthian governor, Sillaces, had only a few men and was easily put to flight, and Crassus occupied the towns along the Belik down to Nicephorium. Most accepted his garrisons, but at Zenodotium, a little place, his men were killed and the town thereupon was stormed; for this exploit his troops hailed him Imperator, a fact which illumines the mentality of both army and general. He left 7000 foot—two cohorts from each legion—and 1000 horse to garrison the cities, and returned to Syria to winter; whether he was training his troops, or whether he desired western Mesopotamia as an advanced base, cannot be said. He has been blamed for not making straight for Seleuceia while Mithridates still held out; but merely to substitute Mithridates for Orodes on the throne was not at all what he wanted.

Crassus was a general of a type which had been common in Roman history—brave enough, obstinate, ordinarily competent, perfectly conventional; he seems to have believed that his business was to bring the legions into contact with the enemy, and the legions would do the rest. His men as yet felt no devotion to him, and he did not understand how to win it. It was his misfortune to meet, late in life, an opponent who had all the imagination which he lacked. Surenas—his personal name is unknown—was a tall young man, not yet thirty, who dressed elaborately and painted his face like a girl; but he feared nothing and had an idea, a dangerous combination. It had occurred to him that archers were useless without arrows; this does not seem to have occurred to anyone before. As he was the second man in the empire, and very wealthy, the number of his retainers was limited only by his wishes; and from them he had formed a body of 10,000 horse-archers, the largest force he thought he could munition. They 'always accompanied him,' that is, they had constant training; but the vital matter was his corps of 1000 Arabian camels, one to every ten men, who were an integral part of his army and carried a huge reserve of arrows. For the first time in history, so far as is known, there had appeared a trained professional force depending solely on long-range weapons and with enough ammunition for a protracted fight. Crassus had not the least idea of what he was going to meet; but many Greeks must have known, and the most serious count against him is his neglect of Greek sources of information.

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[1] E. Meyer, *Caesars Monarchie*, 2nd ed. p. 170; M. Gelzer, *Licinius* (*Crassus*), no. 68 in *P.W.*

During the winter Crassus recruited some cavalry in Syria, but he did not give his troops the hard training which might perhaps have saved him; he spent the time instead plundering the temples at Bambyce and Jerusalem. In the early spring of 53 Orodes, whose hands were now free, sent an embassy to enquire if it was Rome's war or Crassus' private adventure; if the latter, he was prepared to let Crassus off lightly, as he was an old man. Crassus replied that he would give his answer at Seleuceia, whereon the Parthian envoy held his hand out and said 'Hair will grow on my palm, Crassus, before you see Seleuceia.' Artavasdes also came, with the offer of the Armenian cavalry if Crassus would invade Parthia through Armenia, *i.e.* substitute Ecbatana for Seleuceia as his objective; Crassus naturally refused, for he would merely have been committed to a distant route with an uncertain ally between him and his base. He seems however to have believed that, notwithstanding this refusal, Artavasdes would still fulfil his obligations as Rome's ally; he may have been right, for Orodes believed it also; as he saw it, Parthia was threatened with war on two fronts. He decided that he himself with the Parthian levies would conduct the offensive against Armenia, while he entrusted the defence of Mesopotamia against Crassus to Surenas and his private army, which he reinforced with 1000 mailed knights. Probably the plan was Surenas' own; it ensured easy glory for Orodes, while he himself was safeguarded by his instructions, which were to keep Crassus busy and see what he could do. Doubtless he knew very well what he could do. He took up a position on the Belik between Carrhae (Harran) and Ichnae, where the Parthian and Arab roads to Babylonia intersected; he also flanked the road by Carrhae and Nisibis to the Tigris on the north and the Euphrates line to the south-west, and could intercept Crassus if he came by either route. He had his 10,000 archers, 1000 cataphracts, and a few men brought by Sillaces, who joined him. Even Roman writers, with one unimportant exception[1], never ascribe a large force to the Parthians; as they usually represent Livy, this is greatly to Livy's credit.

Crassus crossed the Euphrates below Zeugma on his own pontoons in a great storm; more portents occurred, and one eagle tried to turn back. He had with him 7 legions, now of 8 cohorts apiece—28,000 men—4000 horse, and 4000 light-armed; after crossing he was joined by Abgar and Alchaudonius with their cavalry. He went down the Euphrates to where the Arab road (p. 603) reached the river opposite Bambyce; there scouts reported the tracks of horsemen going eastward, and he held a council to decide on the next move. Cassius advocated keeping to the Euphrates and carrying their supplies by water, but Crassus was anxious to follow what he believed to be the retreating enemy, and accepted Abgar's offer of guidance. In the tradition Abgar appears as a traitor who led Crassus through the desert to deliver him to Surenas, but his treachery cannot be substantiated. He had been Pompey's friend, and probably lost his own kingdom after Carrhae; certainly he deserted before the battle, but he had learnt by then that the army, being what it was, must be defeated; and he was not dishonest over the route, for he merely took Crassus along the Arab road[2] which the retiring Parthian scouts had followed. It was a regular trade route, in places equipped with cisterns; but it was meant for Arabs and their camels, and it went through desert country for a day and a half before reaching the Belik. The real problem of Crassus' march is why he did not follow the ordinary Parthian road from Zeugma to Nicephorium.

Crassus has been blamed both in ancient and modern times either for not keeping to the Euphrates or for not going through the Armenian mountains, where cavalry could not attack him. Such criticism is idle. If his objective was Seleuceia, it mattered nothing what way he took; by any route he had sooner or later to cross open ground, and Surenas, with greatly superior mobility, could choose his own battlefield. If a general can only invade a country by avoiding contact with its armed forces, he cannot invade that country to much purpose.

Soon after Crassus quitted the Euphrates he met envoys from

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[1] Vell. Pat. II, 46.

[2] Plut. *Crassus*, 22, *Νομάδι ληστάρχῃ προσήκουσαν*, identifies it with the road of Strabo XVI, 748.

Artavasdes, who told him that Artavasdes could send no help, as Orodes was invading Armenia; indeed he begged help from Crassus. Crassus merely remarked that he would punish him later, and pushed on fast, for more tracks of horsemen had been seen. The army grumbled at the hardships of the march; they were soft, and Abgar's sarcasm 'Did they think it would be a route-march through Campania?' was perhaps not unjustified. They were soft, too, in mind as well as in body; every fresh story of the strength of the Parthian bows went home. Finally came the desert belt before the Belik, which tried them severely, and when at midday on 6 May 53 they reached the river between Carrhae and Ichnae they were hungry, thirsty, and weary. No enemy had been sighted, and his officers advised Crassus to form camp by the river, rest the men, and reconnoitre; but his one thought was that the flying foe might escape him. He made the men take a hasty meal in their ranks, and had started southward towards Ichnae when his scouts came in with the news that the Parthians were upon them. Abgar and Alchaudonius promptly deserted with their cavalry and went home.

Crassus had started down the river in line, Cassius commanding on the left and Publius on the right, but he now began to form 48 of his cohorts into square, with small bodies of horse between the cohorts; the left rested on the river, while the right was to be protected by Publius' force—his Gauls and 300 other horse, 500 light-armed, and the 8 cohorts not in the square—which was left free to manœuvre[1]. The other light-armed were thrown forward. But he was in awkward formation, with the square not yet completed, when over rising ground the Parthians came into sight, heralded by the crash of kettledrums, while on their silken standards alien eagles faced the eagles of Rome. Their mailed lancers made one charge, to drive in the light-armed; then they retired behind the archers, and the hail of arrows began. The shield of a legionary was supposed to stop an arrow; but while the Parthians in front maintained direct fire, those behind used high trajectory, and one shield would not meet both. Cavalry and light-armed alike proved useless in counter-attack, and men began to fall; but the army comforted itself with the thought that (as they had been told) the quivers would soon be empty and it would be their turn. But the camel train had already come into action, and the enemy could be seen retiring on it by squadrons for fresh arrows; the army began to lose heart. Crassus had not the cavalry to attack the camels; but what seemingly troubled him more was that the enemy, though outnumbered thrice over, were threatening to turn his right flank, and the square was not yet formed. It was vital to complete it, and he ordered Publius to charge and give him room. Publius charged; the Parthians fled, and his eight cohorts followed him cheering for victory; the dust-cloud swallowed up pursuers and pursued, and Crassus was able to complete the square. But once the Parthians had drawn Publius away from the main body they turned on him; his light-armed Gauls, though they fought with desperate bravery, were ridden down by the cataphracts with their great spears, and the rest of his force was then ringed in and shot to pieces. A few escaped and told Crassus that his son was fighting for his life; he moved forward to his support, and met the returning Parthians bearing Publius' head on a lance, a sight which did nothing to restore the army's morale. Crassus himself took the blow with dignity and courage; he went down the ranks, telling the men that the sorrow was his alone: they must stand fast for Rome. Stand fast the square did till dark despite heavy loss, for indeed there was little choice, and with the dark the Parthians drew off; they could no longer see to shoot. Parthians usually camped at a distance from their enemy, for at night, dismounted and unable to shoot, they were very helpless; but this time they bivouacked near at hand. The ancient world had seen generals who, somehow or other, would have attacked that bivouac in the dark and settled the matter while the weary horses grazed; but Surenas had understood his opponents. No one in the Roman army thought of anything but flight. Once the strain was off, Crassus broke down; Octavius and Cassius ordered the retreat, abandoning 4000 wounded to the Parthians, and by dawn most of the survivors were within the walls of Carrhae.

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[1] This is F. Smith's arrangement of Crassus' army. There is no certainty.

But Carrhae offered no real security, for it was not provisioned and there were no troops in Syria to relieve it. Surenas, whose horses were tired, spent the next day collecting stragglers and destroying four cohorts under Vargunteius which had strayed from the main body; but though he did not appear before Carrhae till the 8th he had ascertained that Crassus *was* there, for he desired now to round off his victory by sending him alive to Orodes. Crassus dared not attempt to reach the Euphrates; he decided on a night retreat to the town of Sinnaca[1] at the foot of the Armenian mountains; once in the hills they were safe from the horsemen. Unfortunately he trusted the wrong man, Andromachus, leader of the pro-Parthian party in Carrhae, whom Orodes afterwards rewarded with the tyranny; and when he started[1] Andromachus guided him astray, intent on wasting time till daylight. The army, too, was ceasing to be a disciplined force, and was breaking up; even Cassius that night deserted his general and with 500 horse rode for Syria; we may believe that he was thinking not of himself but of the Republic. One officer in that retreat kept his honour, the legate Octavius. He held 5000 men together and reached Sinnaca at daybreak, where he waited for Crassus; but when Crassus presently came into sight on a low foot-hill two miles away, with only four cohorts and the enemy swarming about him, he left the walls and went back to his help. But the expected attack never came. Surenas feared that Crassus might even yet escape; he rode forward with outstretched hand and bow unstrung and spoke to the Roman troops. They had seen, he said, that Parthia could fight; now they should see that she could forgive; let Crassus come down and make a covenant with him, and they should go home in peace. Crassus saw the trick, and begged the men to hold out for two short miles more. But Surenas' offer of safe conduct had destroyed the last traces of discipline or shame; they turned on Crassus, reviling him and even threatening his life; they would not face the arrows again for one who dared not face Surenas unarmed. Crassus knew it was the end, and met it like a man. He went out alone to Surenas; one likes to believe that, as he went, he did say to Octavius 'Tell them at home that I was deceived by the enemy and not betrayed by my own men.' Surenas greeted Crassus and ordered a horse to be brought for him, saying that the definite treaty must be signed on the Euphrates boundary 'since you Romans are a little apt to forget your treaties.' But Octavius and some officers had followed Crassus down, and when the horse was brought they guessed that the Parthians meant to carry him off; there was a scuffle which became a fight, all the Romans were cut down, and in the confusion Crassus too was killed; none ever knew how he died.

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[1] A town (Strabo XVI, 747), not a mountain, as the form of the name shows. Another town called Sinnaca in Hyrcania, Ptolemy, VI, 9, 7.

So ended one of the worst disasters which the Roman arms ever suffered. Of Crassus' 44,000 men, including his garrisons, some 10,000 ultimately reached Syria and were formed into two legions by Cassius for the defence of the province, and another 10,000 were made prisoners and settled at Merv to keep the Parthian frontier; the rest perished. Plutarch's informant, who loves Parthia as little as he loves Rome, relates that Surenas staged at Seleuceia a parody of a Roman triumph, in which a prisoner who resembled Crassus was paraded in women's clothes and mocked by the rabble as Imperator. Crassus' head and hand were cut off and sent to Orodes, who was at the Armenian capital Artaxata; for his invasion of Armenia had induced Artavasdes to change sides and become his ally, an alliance confirmed by the marriage of his son Pacorus to Artavasdes' sister. Plutarch's story goes that after the wedding feast Artavasdes, who cultivated literature and wrote Greek tragedies, had the tables removed, and a strolling company of Greek actors began to give the last scene of Euripides' *Bacchae*, the death of Pentheus, the part of Agave being taken by Jason of Tralles, a city which had recently suffered much from the Roman publican Falcidius. As Agave came forward with Pentheus' head, Sillaces entered the hall, saluted, and flung down the head of Crassus; Jason laid aside Pentheus' mask, took the head of Crassus in his arms, and began to chant as one inspired 'Blest is the prey that I bear, new-shorn from the trunk'; and when the chorus asked 'Who slew him?' and the answer came 'Mine was the honour,' a Parthian named Pomaxathres sprang forward and seized the head, shouting that the honour was his. The pointed alteration by the chorus of one of Euripides' lines may suggest that the whole savage scene was pre-arranged, while the very different treatment accorded to the bodies of Crassus and Antiochus Sidetes serves to illustrate the hatred which Rome evoked.

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[1] The possible evenings are May 8th, 9th, 10th, or 11th.

Surenas did not long survive his opponent; Orodes put his too successful general to death lest he should aspire to the diadem. The Parthians of course recovered Mesopotamia up to the Euphrates, doubtless including Nisibis and Gordyene, but Surenas' death disorganized the plans for the expected invasion of Syria in 52, and though a Parthian force under Pacorus did enter the province in 51 it was no longer Surenas' army. The horsemen swept through the open country, rousing the discontented, but broke helpless against the walls of Antioch; and when they attempted the small city of Antigoneia Cassius ambushed and defeated them. The new proconsul of Syria, Bibulus, with the help of a disaffected Parthian governor, then managed to render Pacorus suspect to his father, and he was recalled; but part of the army wintered in Cyrrhestice, and it was not till July of 50 B.C. that their last horseman recrossed the Euphrates. But the outbreak of the Roman civil war next year precluded any thought of revenge for Crassus' death; and for thirty years yet the Parthian was to keep his captured eagles.

LIST OF PARTHIAN KINGS

List used in chapter XIV	*The traditional list* (*from Wroth*)
[Arsaces]	Arsaces? 250–248
Tiridates I. 248/247–after 227	Tiridates I. 248/247–211/210
Artabanus I. Before 208– ?	Arsaces. 210–191
Phriapitius. ? [15 years reign] ?	Phriapitius. 191–176
Phraates I. ? –before 160	Phraates I. 176–171
Mithridates I. Before 160–138	Mithridates I. 171–138
Phraates II. 138–129 or 128	Phraates II. 138–128/127
Artabanus II. 129 or 128–124	Artabanus I. 128/127–123
Himerus. ? 128–? 124 or 123	Himerus. 124–123
Mithridates II. 124–87	Mithridates II. 123–88
Gotarzes I. 90–87	Artabanus II. 88–77
Unnamed Arsaces. In 86 and ? 85	
Orodes I. In 80	
Sinatruces. 77–70	Sinatruces. 77–70
Phraates III. 70–57	Phraates III. 70–57
? Unnamed Arsaces. In 68	Unknown king. Before *c.* 57
Orodes II. 57–56	
Mithridates III. 56–55	Mithridates III. 57–54
Orodes II. 55–38/37	Orodes I. 57–38/37

Note. Wroth's list, based on von Gutschmid, is merely repeated in the latest numismatic study (that of J. de Morgan in Babelon's *Traité*) with the omission of the 'Unknown king.' The list used in chapter XIV owes much to E. H. Minns, *J.H.S.* XXXV, pp. 22 *sqq.*

CHAPTER XV

FROM THE CONFERENCE OF LUCA TO THE RUBICON

I. THE COALITION IN POWER AT ROME

WITH the completion of the elections for the year 55 B.C. (see above, p. 535) the control of Rome by the coalition seemed complete. Cicero wrote as much to his brother Quintus, and to Lentulus, the governor of Cilicia. The old unrestricted aristocratic competition for power and profit which seemed liberty was past, but Rome might have internal peace if only the new régime was patiently endured. Cicero himself was for seeking consolation in the study of rhetoric, now that the practice of it in the Senate House, if not the courts, was ineffective or even dangerous. But there were others who were not so resigned, and who saw as little as Cicero did that the interests both of Rome and of the provinces were better served by a strong central control, whatever its origin and methods, than by the abuse of Republican institutions in the name of the Republic. Cato had returned from Cyprus more influential than ever and no less determined to oppose the coalition by all constitutional means. A majority of the Senators acquiesced at least in the predominance of Pompey, the equites believed that Crassus' consulship made the world safe for plutocracy, and the more vocal part of the Roman People were ready to shout and fight as Clodius bade them, but there remained an aristocratic *Fronde* which found its ideals, its self-respect, its ambitions or its feuds irreconcilable with the rule of the coalition and discovered in Cato a spirited leader.

For a time the Opposition had little success. Pompey and Crassus were determined that Rome's government should be carried on, and instituted a series of practical reforms. A law against malpractices at elections was announced, but a proposal, that the praetors at last elected for 55 should not enter office for sixty days so that they might be indicted for bribery, was disregarded by the consuls. Violence and no doubt bribery had been

Note. For this chapter the most valuable evidence is supplied by Cicero's own letters and those of Caelius to Cicero, together with Cicero's speeches and the material provided by the Commentaries of Asconius. On the secondary authorities, Dio and Appian, and the biographical tradition in Suetonius' Life of Caesar and Plutarch, see below, pp. 885 *sqq.*

employed in the interests of the coalition, and what Rome needed at once was praetors not prosecutions. The appointment of *iudices* from the three classes of senators, *equites* and *tribuni aerarii*[1] was removed from the caprice of the *praetor urbanus* and the quaestors of each year. The *iudices* were chosen from among the richest of each class, who would, on a sanguine view of human nature, be least corruptible[2]. This led the way to the Lex Licinia de sodaliciis, in which Crassus imposed penalties on the employment of political clubs in the interests of candidates for office and did something to make convictions for bribery more possible. In trials for this and like offences the accuser was empowered to name four tribes to supply the *iudices*, and of these four the defendant might only reject one. Thus a candidate who was not able or willing to bribe all the tribes, might be tried by men who had not enjoyed his money. The consuls also arranged for Clodius a *libera legatio* to enable him to collect bribes due to him at Byzantium and in Galatia instead of troubling the streets of Rome[3]. A Lex Pompeia de parricidis, which may be set in this year, further defined the crime and admitted the penalty of exile for this as for other offences judged by the *quaestiones* (p. 880).

Nor was the problem of provincial government disregarded. Pompey raised in the Senate the question of extending the scope of Caesar's law *de rebus repetundis* (p. 520). But here he could not well count on Crassus' support, and the declared opposition of senators and of *equites* prevailed[4]. On the other hand, both consuls met at Pompey's villa at Alba to discuss financial arrangements to be made at Rome with the representatives of the tax-farming companies[5]. What came of the meeting is not recorded; and there is no ground for believing that the provincials gained by it. The very scanty evidence is, however, enough to show that the two dynasts were prepared to work together for a programme of reform, even if that was limited by their own employment of methods which they condemned and by their pre-occupation with the careers of themselves and their partner in Gaul.

To Cicero Pompey was plainly the leading man in the coalition, and probably all men in Rome, except Crassus, thought the same. The Campus Martius had witnessed the rise of the first stone theatre at Rome, the gift of Pompey's munificence from the spoils of Asia. This was now dedicated with games which culminated in the slaughter of 500 lions and the chase of 17 elephants. 'What pleasure,' wrote Cicero, 'can it give to a civilized man to see a feeble human creature torn by a powerful wild beast or a splendid animal transfixed by a hunting spear?'[1] Even the brutal rabble at Rome had moments of pity at the spectacle. Adjoining the theatre was built a portico containing a meeting-place for the Senate in which Caesar was to fall at the feet of Pompey's statue. Finally, there was begun a temple to that Venus Victrix who had watched over Pompey's battles and was to be Caesar's battle-cry at Pharsalus.

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[1] See above, pp. 338 *sqq*.

[2] Asconius, p. 17 c.

[3] Cicero, *ad Q. F.* II, 7 (9), 2. It is doubtful, however, if in the end Clodius accepted it. He was in Rome in the summer of 54 B.C.

[4] Cicero, *pro Rab. Post.* 6, 13.

[5] Cicero, *ad Att.* IV, 11, 1.

Caesar, meanwhile, had found that Gaul was not quickly to be conquered, and planned a demonstration in Britain which would impress Britons and Romans alike (p. 559). He was not the man to return home without clearing up the position beyond the Alps, and at Luca he had stipulated that his governorship of Illyricum and Cisalpine Gaul should be prolonged, and that his position in Transalpine Gaul should be made equally secure. At the moment the latter rested only on a *senatus consultum* and in the previous year Cicero had not been able to deny the legal possibility of its transference to another magistrate[2]. Accordingly, Crassus and Pompey proposed a law which conferred on Caesar the governorship of both Gauls and of Illyricum for a period of five years.

Whether this period began before Caesar's first tenure of Cisalpine Gaul and Illyricum expired, and, if so, till what date it ran, is much disputed. There should be no doubt that his first tenure of Cisalpine Gaul and of Illyricum was originally to continue till the last day of February 54 B.C. So far as these provinces are concerned, a law conferring on him a new *quinquennium* beginning 1 March 54 would meet the needs of the moment, but it left the position as regards Transalpine Gaul unsecured until that date. So long as Pompey and Crassus were consuls, they could prevent any proposal to take this province away from Caesar, but in the interval between the end of their consulship and 1 March 54, Caesar's command in Transalpine Gaul might be attacked in the Senate. That the attack would fail was fairly certain in view of Caesar's successes, but it was poor politics not to prevent it, the more as it was known that a possible consul for 54 was L. Domitius Ahenobarbus, who had openly declared his intentions in this very matter[3]. It is, therefore, not improbable that it was arranged at Luca that Caesar should begin his second *quinquennium* in all three provinces before his first *quinquennium* in Cisalpine Gaul and

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[1] *ad fam.* VII, 1, 3.

[2] *de prov. cons.* 15, 36.

[3] Suetonius, *Div. Iul.* 24.

Illyricum had expired. By such an arrangement it would be possible to make the provincial commands of all three dynasts end at the same time. There is no doubt that Crassus left Rome as governor of Syria about the Ides of November 55 B.C.[1], and that date five years hence is the latest date that can plausibly be assigned for the termination of the provincial commands of Crassus and Pompey as secured to them by the Lex Trebonia. From this it would follow, on the above assumption, that the *quinquennium* conferred on Caesar by the Lex Pompeia Licinia ended in the year 50 B.C., possibly on the Ides of November (p. 632)[2]. The two laws were passed almost simultaneously, probably earlier in the year (for there was no good reason for delay), though there is no means of fixing the date precisely. The opposition was not inactive: two tribunes, C. Ateius Capito and P. Aquilius Gallus, were ready to interpose their veto and Cato was prepared to hear interrupting thunder at any moment, but a combination of violence and chicanery defeated their intentions.

The powers given to all three dynasts were very wide, including the right to make war and peace, and to maintain armies of seven to ten legions[3]. This was reasonable as regards Caesar, who had found his present forces none too large, and Crassus, who intended to complete Pompey's settlement by a campaign against Parthia. In Spain there had been trouble with the Vaccaei, but it may be doubted whether Pompey needed so great an army for Spain, so that we may suppose that his establishment was raised beyond his needs in order to put him on an equality with his partners. The duration of the coalition might well seem better secured by equality of strength and of tenure than by the mutual trust and regard of three men of diverse temperaments and divergent ambitions. Caesar desired to finish with Gaul and then return to a triumph and a second consulship, Crassus to win military glory and wealth in the East, Pompey to control Rome by his care of its food-supply and the existence of an army in Spain. Neither Caesar nor Crassus probably expected to spend all the next five years abroad, and we may well suppose that they each felt that they were conquering against time. But whenever either was ready to return, he would find Pompey at the gates of Rome if not perhaps in the city itself.

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[1] Cicero, *ad Att.* IV, 13, 2.

[2] On the vexed question of the term of Caesar's command see the works cited in the Bibliography. Reasons for the view here adopted are given in the *Class. Quarterly*, XXVI, 1932, pp. 14 *sqq*.

[3] Pompey in 49 had seven legions in Spain apart from one previously lent to Caesar, Crassus probably had seven (p. 606). The increases of Caesar's army suggest that he was authorized to maintain ten regular legions in all.

It was true that Caesar could not, without senatorial dispensation, be consul a second time until 48 B.C., but so long as Pompey held by the coalition, such a dispensation could be secured. That Caesar seriously contemplated a period of inaction between his conquering of Gaul and his second consulship at Rome, is most improbable, for with power had come a persistent itch to use it. For this reason it appears to the present writer improbable that the Lex Pompeia Licinia contained a special clause prohibiting the discussion of a successor to Caesar before 1 March 50, which combined with the existing Lex Sempronia de provinciis consularibus might enable him to continue in Gaul until the very end of 49 B.C. (see also below, p. 629, n. 2). This Caesar would not wish to do unless he had much to fear at Rome, and therefore such a clause would have envisaged the complete breakdown of the coalition in a way which is psychologically improbable in a compact made at the moment of its triumphant renewal. It is at least possible that provision was made for land allotments to Caesar's troops when the time came by a law proposed by a group of tribunes which supplemented the land legislation of 59 B.C. (pp. 515 *sqq.*)[1].

During the summer of 55 both Crassus and Pompey were busy raising troops, and Crassus sent a *legatus* to Syria to take over the province. The levies were unpopular, and their legality was challenged by the opposition tribunes who set on foot prosecutions against the *legati*, whereupon Pompey carried them on outside the tribunes' jurisdiction, and Crassus threatened to use force, until the tribunes abandoned their resistance. Gabinius in Syria refused to hand over to Crassus's *legatus*, a fact which suggests that in this, as possibly in the levy, the consuls were anticipating the date at which the authority granted them by the Lex Trebonia in fact began. But by November Crassus, with his son Publius, seconded from Caesar's army, was ready to set out to make war on Parthia. He solemnly assumed the *paludamentum* which marked the beginning of his command, in the face of the

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[1] By the Lex Mamilia Roscia Peducaea Alliena Fabia (Bruns, *Fontes*^{7}, 15). See P. Willems, *Le sénat de la république romaine* 1, p. 498, n. 5, and M. Cary in *Journ. Rom. Stud.* XIX, 1929, pp. 113 *sqq.* This theory appears more probable than that of a praetorian law in 49 B.C., and the law cannot well be no more than a *lex data* of Caesar's land commission of 59. The date (109 B.C.) suggested by E. Fabricius is refuted by E. G. Hardy in the *Class. Quarterly*, XIX, 1925, pp. 185 *sqq.*

obnuntiatio of the tribune Ateius, who had previously declared it *nefas* to begin the war without provocation. The proposal of the tribune to arrest Crassus was blocked by the other tribunes and the new governor of Syria rode out of the city, while Ateius, in one comprehensive imprecation, consigned him with all his army to destruction.

With the departure of Crassus and the end of Pompey's consulship there was more prospect of independent action by Cato and his friends. Cicero was not to be moved from his cautious retreat. The fears begotten of his exile lamed the ambitions born of his consulship, and he had learnt how little real support and sympathy he could look for in the aristocrats. In the courts he was still a power if he used his eloquence to serve the friends of the coalition, as by his defence of Caninius Gallus, a protégé of Pompey and, in the previous year, of Cornelius Balbus, who had enjoyed the patronage of Pompey and now enjoyed the confidence of Caesar. He shunned the Senate except when he went to witness the humiliation of Calpurnius Piso, who had returned from Macedonia after an unsuccessful governorship and did not venture to demand a triumph. Piso had not forgotten Cicero's onslaught on him in his speech on the consular provinces, and gave vent to his resentment in the Senate House. Despite Piso's close relations with Caesar, Cicero indulged in one of those tirades which injured his own reputation more than his victim's. Later Cicero published the speech which we now possess, in which he sought to injure Piso without giving too great offence to Caesar. A retribution quickly followed in the biting pamphlet of which a part survives under the name of Sallust, who may possibly have lent his pen to the service of Piso[1]. In this curious work Cicero's political inconsistencies and instability were assailed with a cold venom which must have delighted those who had been stung by Cicero's sharp epigrams or wearied by his self-praise. A second miscalculation was an attempt to attack Gabinius at the moment when Crassus was alienated from him by the treatment of his *legatus*. Gabinius sent to Rome part of the reward received from Ptolemy, and doubtless made his peace with Crassus. Cicero, who had no love for the triumvir, probably betrayed his feelings and in return Crassus cast in his face the bitter taunt of exile. Estrangement from the coalition at this moment was more than Cicero dared to face; he swallowed the insult and on the eve of Crassus' departure entertained him to a farewell dinner, which perhaps he hoped would deserve its name. Once Cicero set out on the path of reconciliation, no one could be more tactful, and a letter which he sent after Crassus to Syria betrays the careful skill with which he sought to win the protection of the coalition leaders without sacrificing his self-respect[1].

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[1] See E. Meyer, *Caesars Monarchie*, 2nd ed. p. 164, n. 1, with the literature there cited. Cf. Funaioli in *P. W.* *s.v.* Sallustius, col. 1934 *sq.* The reference to Cicero's house (2, 2) presents a difficulty (see Th. Zielinski, *Cicero im Wandel der Jahrhunderte*, p. 348), which, however, hardly outweighs the probability that the work belongs to the year 54 or removes the possibility that its true author is Sallust.

Cicero, then, was not willing to sacrifice himself, perhaps in vain, for political principles which he laid to heart more than he admired those who practised them. Cato succeeded in being elected praetor for 54; one of the new consuls was Caesar's enemy, L. Domitius Ahenobarbus, who was not a leader whom a man of intelligence would readily follow. The other consul was Appius Claudius, a connection of Pompey by marriage, who partly cancelled out his colleague. Pompey was busy with the Roman corn-supply and took little interest in the factious quarrels that filled the courts at Rome with prosecutions. Caesar had disgraced himself and Rome by his treatment of the Usipetes and Tencteri, so that Cato, with rare courage, declared that the honour of the Republic should be cleared by his surrender to his victims (p. 558 *sq.*). But Rome had not conquered the world by punishing successful generals, and Caesar's despatches, wreathed in laurel, were honoured by a formal thanksgiving of twenty days. Caesar, who was no brutal proconsul, eased the smart of his conscience by indulging a hatred of Cato which vented itself in a vehement attack on him sent to be read in the Senate.

II. GROWING ANARCHY

The consuls for 54, Domitius and Claudius, were no friends of the coalition. Indeed early in the year Cicero wrote to Crassus declaring that he had defended him in the Senate against attacks by the consuls. But against Pompey at the gates of Rome and Caesar, who knew well how to transmute his patronage and his wealth into political power, they could achieve nothing. On the other hand Pompey, pre-occupied with the organization of the food-supply and debarred from entering the city by his proconsular command, allowed affairs to drift towards confusion and anarchy, which at the worst would only make his strong hand necessary. Of the more reputable senators Cato alone worked whole-heartedly for good government. His probity earned him the striking compliment that the candidates for the tribunate each deposited with him 500,000 sesterces to be forfeited if they resorted to malpractices, and left him to be judge[1]. Cato's integrity was admired but was not imitated. The four candidates for the consulship were so active in mobilizing the means of bribery that the rate of interest suddenly rose from 4 to 8 per cent. No one of the four enjoyed the active support of both Pompey and Caesar, and the revelation of a scandalous compact made between the consuls and two of the candidates, Domitius Calvinus and Memmius, discredited both the consuls and Memmius, who at Pompey's instigation turned informer about the bargain. A third candidate, M. Aemilius Scaurus, was brought to trial for extortion in Sardinia and it needed all Cicero's eloquence to secure his acquittal. The consular elections were time after time delayed by the intervention of political-religious devices, until it was suspected that Pompey wished no one to be made consul in order that he might himself be made dictator. To the Roman aristocracy domestic politics had become little more than a battleground for ambitions and feuds. The courts remained active, if only because Pompey cared for justice, or at least for the administration of it. Cicero defended his friends or his past or prospective benefactors, C. Messius, M. Livius Drusus, Scaurus, C. Plancius, and glorified himself. He even under pressure from the dynasts spoke for two old enemies Vatinius and Gabinius.

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[1] The fact that this letter presents us both the first draft and the finished product was first seen by C. Bardt (*Hermes*, XXXII, 1897, pp. 267 *sqq.*).

Gabinius had led his army outside his province of Syria in return for the promise of an enormous bribe from Ptolemy and so had brought himself within the scope of Sulla's law of *maiestas* and Caesar's law *de repetundis*. Ptolemy was restored but he failed to pay the whole of the 10,000 talents and earlier loans raised from Roman capitalists, despite the appointment of a Roman C. Rabirius Postumus as *dioiketes* or finance minister to extract from the wretched Egyptians the price of that doubtful boon, the King Ptolemy. The king probably tricked his benefactors or else secretly conveyed the money he had promised, for he later denied that he had paid anything more than the costs of the military operations. Rabirius, this bailiff-chancellor, was, either in reality or in appearance, sacrificed to the resentment of the Egyptians and returned to Rome, in reality or appearance, a poor man and a pensioner of Caesar. Gabinius was placed on his trial for *maiestas*, but by the influence of money and the dynasts was acquitted. He was then indicted *de repetundis*; and Cicero yielded to the insistence of Pompey and defended the man whom he had vilified for the last three years. His eloquence may have been half-hearted and it was in vain. Gabinius was condemned, but the balance of the enormous bribe was not to be found and he went into exile. Rabirius was then put on his trial, it being alleged that he had received a part of the bribe which it had been his business to collect. Cicero defended him with better heart, for he had old cause to be grateful to him. To all appearance Rabirius was acquitted and lived on in Rome under Caesar's patronage, appearing as a correspondent of Cicero under his original name of C. Curtius[1].

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[1] Cicero, *ad Att.* IV, 15, 7.

But Cicero was a disappointed man, and his disappointment might make him dangerous to the triumvirate which had really eliminated him from Roman politics. Caesar had some hold upon him through the employment of his brother Quintus as a *legatus* in Gaul, and through a loan which Cicero later found it difficult to repay and dishonourable to forget. Pompey apparently pressed on him a post in Spain, but the offer did not commend itself to Caesar, and it came to nothing. Nor, if it had become a fact, would Cicero have been long contented. Less important were the two young men of letters, Licinius Calvus and Catullus, who wrote fiery epigrams which stung Caesar but did not move him to lasting resentment.

It was no doubt the fashion in aristocratic circles to belittle the dynasts, but the populace at Rome were easily won to admire the victories of Caesar and the munificence of Pompey who secured them *panem et circenses*. In the summer of 54 Caesar set in hand the reconstruction of the Basilica Aemilia[2], a great work to match the buildings of Pompey. In September the people had an occasion to display their feelings. Julia, Caesar's daughter and the beloved wife of Pompey, died after giving birth to a daughter. Pompey wished to bury her on his Alban estate, but the people carried the body to the Campus Martius and gave it a great funeral. She was to them even more than Pompey's wife and Caesar's daughter: she was the one being who had linked together the two dynasts by a bond stronger than public policy, calculating self-interest, or mere scruples of conscience.

If Caesar and Pompey ceased to be friends, they would become rivals unless they were held together by distrust of the third partner Crassus. This strange bond was soon broken. In July 53 came the news that Crassus and his son Publius lay dead in the deserts of Mesopotamia and that a Roman army had been destroyed by the Parthians. Syria itself was in grave danger, although the energetic quaestor of Crassus, C. Cassius, was diligent in organizing its defence. But the *patres* had little time to spare for the needs of the Empire. After a year of intrigues and riots consuls for 53 B.C. had been elected, Cn. Domitius Calvinus and M. Valerius Messalla. Pompey, belying for the moment his alleged intention of being dictator, had induced a moment of order so that elections were held (July 53 B.C.). During the previous winter he had lent Caesar a legion, and he may have scrupled to take for himself alone the open control of affairs at Rome. Caesar himself was no less anxious to keep up good relations with the other dynast, and now, being as willing to sell his hand as to give his heart, he proposed a double marriage of policy. This however Pompey declined, and married some time later Crassus' widow, Cornelia, an alliance which brought him nearer to the aristocratic party in the Senate, though his wife's devotion to him to the last suggests that the marriage was one of affection rather than of policy.

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[1] H. Dessau in *Hermes*, XLVI, 1911, pp. 613 *sqq.*; E. Ciaceri, *Processi politici*, pp. 197 *sqq.*

[2] *ad Att.* IV, 16, 8.

Cicero was at this time busy with constitutional theory as set out in his *de Re publica* and *de legibus*. In the former of these works Scipio Aemilianus speaks of the three simple constitutional forms, monarchy, aristocracy and democracy and applauds the equilibrium of them in the consuls, the Senate and the populus Romanus with their several watchwords—potestas, auctoritas, libertas. Laelius urges that to preserve this equilibrium is needed the watchful care of one man, the first man in the State. There had been a time when Cicero had hoped to find the protector of equilibrium in the Concordia Ordinum or the consensus of *boni cives* (p. 506 *sq*.). Now he looks to the presence in the State of a single man—the *rector* or *moderator rei publicae*. It has been urged that this man was in Cicero's eyes Pompey himself. Cicero began to write in May 54 and, after two changes of plan, had finished the work just before he set out to Cilicia in 51[1]. During that period he found much in Pompey to disillusion him, and it is not easy to imagine that the strong hand of Pompey restoring order by force was to him the hand of the *rector rei publicae* guiding the State by wisdom. There is nothing to show that Cicero's *moderator* was to possess military power: he was to be a statesman and a philosopher, and we may not be doing him an injustice if we suppose that this figure, so far as it is not a thing of theory alone, is the figure of Cicero himself[1].

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[1] Cicero, *ad Att.* IV, 14, 1 and *ad Q. F.* III, 5 and 6, 1; *ad Att.* V, 12, 2; Caelius, *ad fam.* VIII, 1, 4.

Before the *de Re publica* was finished, Cicero had taken in hand his *de legibus*, most of which was written in the year 52 B.C., though the treatise was probably finished after his return from Cilicia. Defective as is the work that has come down to us, it displays the Roman instinct for law and the balanced judgment of institutions which Cicero possessed, once his egotism and vanity were set aside. It is one more piece of evidence for the fact that the last sixty years of the Republic were not simply the scene for personal ambitions and partisan policies but an age in which the outstanding figures, Sulla, Pompey, Cicero and Caesar concerned themselves with practical questions of reform.

III. POMPEY'S THIRD CONSULSHIP

The election of one pair of consuls was immediately followed during the autumn and early winter of 53 by a long-drawn struggle about the choice of their successors. Cornelia's father Q. Caecilius Metellus Scipio and P. Plautius Hypsaeus, who had served under Pompey in the East, were candidates, and both doubtless enjoyed the support of the coalition. But they had a formidable rival in T. Annius Milo, a hot-blooded nobleman of Samnite descent who loved violence and enjoyed, for what it was worth, the support of Cicero, who could not forget that Milo had proved his friend by proving himself the enemy and rival in violence of Clodius. Cicero's zeal was whetted by the fear that Clodius would be elected praetor and pursue his vendetta from the seat of justice. Unwilling to use force without a formal commission and not unwilling to see himself once more indispensable, Pompey allowed the elections to be made impossible by riots until on 18 January 52, Milo had Clodius killed after an affray on the Via Appia. Clear-sighted in his appreciation of the directest methods of Roman politics, an aristocrat clever enough to match Cicero yet ridden by a perverse desire *s'encanailler*, Clodius was not born to die in his bed, yet his death shook the Republic. The Senate House itself was burned as a pyre for his body. No ordinary consuls could restore order between the bands of partisans, and the extremist aristocrats no less than the mass of the people perforce turned to Pompey. The Senate called upon the interrex, the tribunes, and the proconsul Pompey to save the State. At the word Pompey's indecision fell from him: he raised troops and prepared to enter the city. Rome wanted order, not a new Sulla: that most rigid constitutionalist Bibulus proposed that he should be made not dictator but consul without a colleague, and Pompey was content.

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[1] E. Ciaceri, *Il Trattato di Cicerone 'De republica,'* etc., Rend. d. R. Accad. dei Lincei, XXVII, 1918, p. 312.

The trial of Milo, if conducted by the usual procedure, was certain to provoke long-drawn disorder. Pompey, therefore, with the approval of the Senate promulgated a law *de vi*, in which not only the killing of Clodius was mentioned but also the scenes of violence which had followed it. He also put forward a law *de ambitu* which was to punish the wholesale bribery which had preceded the murder[1]. The effect of both measures was to shorten trials and to make bribery almost impossible. The laws were passed, and on 4 April Milo was brought to trial. Pompey had taken measures to ensure that the jury should consist of men of known probity, and, on the closing day, on which Cicero's eloquence was to defend Milo, the shouts of Clodius' followers were followed by the disciplined violence of Pompey's soldiers. Inter arma silent oratores. Cicero did not wholly fail his client, but the speech which he delivered was far less impressive than the oration which he had prepared and which he afterwards published. It was easy to prove that Milo had no more intention of killing Clodius on 18 January than on any other day and that Clodius would not for a moment have hesitated to kill Milo, but constructive self-defence could hardly cover the slaughter of a man already defeated and wounded, and, given a fair trial, no eloquence could have averted the verdict of condemnation. Out of 51 judges only 13 were for acquittal and Milo went into exile at Massilia to enjoy the culinary resources which even then that city boasted, while his enemies and his creditors continued to wrangle over his other misdeeds and his estate. The young Brutus did not hesitate to defend Milo's act as defending not himself but the State—a defence that must have moved his client to the same cool irony with which he thanked Cicero for sending him the speech which he would have delivered.

Other trials followed. Milo's lieutenant Saufeius, charged with having led the band which actually ended Clodius, was acquitted by a single vote on that charge, and, later on, another together with M. Terentius Varro Gibba. Both owed their escape to Cicero, who showed great constancy and no small courage. Gratitude with him outweighed the risks of unpopularity and alienation from Pompey. Pompey, having dealt with Milo, was no less coldly just to the supporters of Clodius who had filled Rome with riot and arson. The most notable, including Sextus Clodius, Hypsaeus, and the two tribunes, Q. Pompeius Rufus and T. Munatius Plancus, were condemned. Among these were men who had served Pompey well, but for only one of them, Plancus, did he intercede, and that in vain.

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[1] This law cannot well have been retrospective as far back as 70 B.C., so as to include the elections for 59 (and 55), despite the statement of Appian, *Bell. Civ.* II, 23, 87, and a possible inference from Plutarch, *Cato min.* 48, 2. See A. C. Clark's *Cicero, pro Milone*, pp. xii *sqq.*

The position of Pompey during these months, the combination of consular power with the proconsular *imperium*, has justly been compared with that of Augustus between the years 27 and 23 B.C.[1] But although there is enough likeness to supply a kind of precedent, it must be remembered that both to the Senate and to Pompey the combination was transient and without any deep constitutional meaning. The power of Pompey in Spain was, in practice, matched by that of Caesar in Gaul, and the fact that before the year was over the Senate re-affirmed Pompey's government of the two Spains suggests that the incompatibility of his two offices was not overlooked. Rome had what it needed, a strong hand restoring order and removing abuses, not an autocrat: neither in theory nor in fact did the Republic witness a *Pompeianum regnum*. It was Pompey's task to protect the normal machinery of State from paralysis, and his success in achieving it made him the possible refuge of constitutionalists.

In July or August Pompey had associated with himself as colleague in the consulship his father-in-law, Metellus Scipio. During the summer Caesar had been fighting hard in Gaul, until at last, after a serious reverse before Gergovia, he had besieged Vercingetorix in Alesia, beat off a relieving army and compelled his surrender. Not even Caesar could have found much time to give to Roman politics, and in general Pompey acted with little regard for his interests. During the previous winter the way had been prepared for a special law to allow Caesar to be a candidate for the consulship *in absentia*, and in the first half of 52 B.C. the measure was passed on the proposal of the whole college of tribunes. Cicero smoothed its path at the request both of Caesar and of Pompey. As the law was prepared at a time when Caesar undoubtedly expected to be soon secure in the control of Gaul, it may fairly be assumed that it was applicable in any of the following years, and not only in 49 B.C. when the regular decade since his last election to the consulship expired. Possibly it remained necessary to secure a dispensation from the Senate of the usual ten year rule, but that Caesar might fairly count upon if the coalition continued to exist, and its breakdown was as yet not certain[1]. A question, however, of the validity of the law of the Ten Tribunes soon arose. Pompey passed a measure *de iure magistratuum* which contained a clause re-enacting the obligation of a candidate for office to attend in person. The point was taken that this law cancelled the special right conferred on Caesar, whereupon Pompey, alleging forgetfulness, inserted in the law after it had been passed and placed in the State archives a special exception in favour of Caesar's right. It may be that Pompey's forgetfulness was after Gergovia and his repairing of it after Alesia, though there is no independent evidence of the coincidences in time, and it is more probable that Pompey had never intended to invalidate Caesar's *privilegium*, to which he himself had given his support. It might fairly be urged that if the *privilegium* had been valid against the existing law, it continued valid against a later repetition of it.

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[1] Most recently by W. Kolbe in *Aus Roms Zeitwende*, p. 53.

Pompey further passed a law to implement a resolution of the Senate in the previous year[2], providing that ex-consuls and ex-praetors should not proceed to provinces until five years had elapsed since their term of office at Rome. The senatorial resolution had been intended to reduce the avidity with which men bribed their way into office as a speedy passage to a rich province, and there is no need to suppose that Pompey had any other motive. It is true that incidentally it repealed the Lex Sempronia of Gaius Gracchus which provided that the consular provinces should be named by the Senate before the election of the consuls who were later to govern them (p. 63 *sq.*). The repeal was amply justified by the needs of the State. With the constant possibility of serious warfare with Parthia and the existence of a new power in Dacia the leisurely machinery of the second century was out of place. Furthermore, the Lex Sempronia had exempted the action of the Senate in respect of consular, though not praetorian, provinces from the tribunician veto. That exemption was a practical necessity if the Senate were to be able to make their decision before the elections (the more as the consideration of the provinces could not well begin until after February, the month reserved for the hearing of foreign embassies). The need for reaching a decision before the elections had now disappeared, and in the new law the tribunician veto was not ruled out. There is no good reason to suppose that the law was directed against Caesar. It is true that it made possible the sending out of a successor from the *consulares* as soon as his legal term expired, but only if no tribunician veto was interposed, and this same veto was already Caesar's only protection, once his term of government expired, if the Senate decided to make his provinces praetorian.

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[1] It might further be argued that, since Caesar's command in Gaul was due to end before the election of 49 B.C., the leave to be candidate *in absentia* implied permission to be candidate in an earlier year.

[2] Dio XL, 46.

The passage of this law left a hiatus in the succession of governors, and to fill this the Senate called on the services of ex-magistrates who had not proceeded to provinces. Cicero, much against his inclination, was made governor of Cilicia for a year from the summer of 51. Cicero's reluctance is no proof that the Senate was unwise in thrusting this task on him. He found a competent soldier, C. Pomptinus, to assist him in warfare, and otherwise his administration proved competent as well as honest. At the same time Caesar's old colleague and opponent Bibulus was appointed to Syria to relieve Cassius (p. 612).

Pompey, meanwhile, by being consul at Rome had, according to strict practice, ended his proconsular government in Spain and so the Senate, to make an honest proconsul of him, voted his command in Spain, not for the remainder of his term but for a further period of five years beginning apparently in 52 B.C. This act put him at a possible advantage over Caesar and upset any parity of command that may have been arranged at Luca (p. 616). On the other hand, Caesar had no desire for a further prolongation in Gaul, except so far as would cover him until after the election of 49 B.C., when, if not before, he intended to be a candidate for the consulship *in absentia* by virtue of his *privilegium*. To secure this prolongation he needed the active support of Pompey, who however was drifting away from the coalition and towards the senatorial leaders, who had at last recognized his merits as the protector of order and good government. These in turn saw an opportunity to weaken the coalition by playing on the selfishness of Pompey, who must by now have grown jealous of the rise of a second military reputation of the first order, emphasized by the vote of yet another thanksgiving for victory in Gaul. A sudden *volte-face* was alien to Pompey's character: it would be long before he could be brought to an open breach with Caesar, but those who did not look forward to a year like 59 B.C. and regarded Caesar as the leader of disreputable careerists began to hope that they could bring him down between the time that he was governor in Gaul and his election as consul. For it was apparently taken as certain that his electioneering skill backed by the wealth of Gaul and the votes of North Italy would secure him the consulship if he got as far as an election.

IV. THE BREAKDOWN OF THE COALITION

At the consular elections for 51 M. Claudius Marcellus and Ser. Sulpicius Rufus were elected, the latter a mild jurist, the former a violent conservative. Cato, who was a candidate, failed to be elected. When the next year began Caesar asked for a brief extension of the term of his command, and the Senate refused it[1]. Pompey, it is to be presumed, remained silent. Encouraged by this, the consul Marcellus ventured to propose to the Senate the question of superseding Caesar and terminating his command[2] on the plea that the war in Gaul was over and the veterans in his legions could fairly claim their discharge. The action was not justified by the military situation, and to approve it violated the Lex Pompeia Licinia unless a new law was passed to shorten the term there provided. He further challenged the validity of the law of the Ten Tribunes, asserting that Pompey's law made it of no effect[3]. This was going too far: his colleague declared that a governor who committed no crime could not be deposed from his command before his legal term had expired, and the tribunes who were on Caesar's side interposed their veto. Pompey himself opposed Marcellus and hinted his intention of going to Spain. This caused perturbation to Cicero in Cilicia[4], and presumably to the Optimates at Rome. Pompey was further put out of humour by the aggression of Marcellus in scourging a citizen of Novum Comum to show his contempt for Caesar's establishment of citizen colonies in the Transpadane area[5]. Pompey might well take umbrage at this act, for his family had been responsible for the partial enfranchisement of that region (p. 195 *sq.*).

To go further might well lead only to a second conference of Luca, and even the most hot-headed of Caesar's enemies practised patience. As Caelius wrote to Cicero—'Marcelli impetus resederunt, non inertia sed, ut mihi videbantur, consilio'[6]. But Pompey's growing reluctance to make smooth the path of Caesar had not removed his unwillingness to be actively disloyal to his old political ally, and the result was a compromise. A resolution of the Senate was passed on the last day of September advising the consuls of the next year to raise the question of a successor to Caesar on 1 March, the earliest date on which the provinces and their future governors would normally come under review.

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[1] Appian, *Bell. Civ.* II, 25, 97; Plutarch, *Caesar*, 29.

[2] Apparently on 1 March 50. *ad Att.* VIII, 3, 3; Hirtius, *B. G.* VIII, 53; Suetonius, *Div. Iul.* 28; Dio XL, 59, 1. The assumption often made that in March 51 Roman politicians were pre-occupied with what might happen in 49 does more or less than justice to their methods. The fact that Marcellus repeatedly brought the question before the Senate in 51 is sufficient proof that the Lex Pompeia Licinia did not forbid its discussion before 1 March 50.

[3] Suetonius, *loc. cit.*

[4] *ad fam.* III, 8, 10.

[5] *ad Att.* V, 11, 2.

[6] *ad fam.* VIII, 2, 2. (June 51.)

It was hoped that when the time came a successor to Caesar might be appointed at once, who would take over his provinces as soon as the term set by the Lex Pompeia Licinia expired. But there was one hindrance to the programme: it was not that Caesar would refuse to make way for a legally appointed successor, for that would bring him within the scope of the law *de maiestate*, it was that a tribune would be found to prevent the Senate from making the appointment. What tribunes could do had already been shown by the failure at that very session to pass three decrees, the first that tribunes should not interfere with the allotment of provinces, the second to permit soldiers in Caesar's army to apply to the Senate for their discharge, the third to send ex-praetors to Cilicia and the other provinces with the exception of those held by Pompey, Caesar and Bibulus as consular[1]. Pompey's statement that it was the same thing for Caesar to disobey a decree and prevent the Senate passing a decree can have convinced few who did not wish to be convinced. Nor was his reply to another suggestion more satisfactory. 'What if Caesar wishes to be consul and to retain his army?' And he replied mildly 'What if my son raises a stick to strike me?'

What was believed was that Pompey's attitude would cause Caesar to acquiesce in an arrangement either to remain in Gaul and not be a candidate in the year 50 or, if he could be elected consul for 49, to leave his province[2]. This amounted to an offer that if the candidature *in absentia* granted him by the law of the Ten Tribunes was accepted and was successful, he would take no steps to obstruct the appointment of a successor to his provinces and would hand them over in order to return to Rome shielded from his enemies by his position as consul designate. If the Senate refused to supplement the law with a dispensation of the rule about the interval between the consulships to enable Caesar to be candidate in 50 B.C., they would find that the appointment of a successor could not be carried through.

The issue indeed was becoming plain. Caesar claimed that the constitution should be worked in his favour, as it had been worked in favour of Pompey; Caesar's enemies were resolved to make no concession; Pompey, though too scrupulous to go back upon his open obligations to Caesar or to allow any abrogation of the law which bore his name and that of Crassus, was willing to see Caesar's plans for a second consulship thwarted. This willingness he revealed just sufficiently to prevent Caesar's implied offer from being accepted. There were men who hoped that an arrangement would be reached. In December 51 Cicero, who had by now received news of the Senate's session, wrote to Atticus in terms which suggest that that shrewd observer had expressed hopes that Caesar would give way[1]. But Caesar had no intention of doing any such thing. If he was not allowed to be candidate in 50 B.C., a candidature for which he had already made some preparations in Cisalpine Gaul[2], then he would resort to tribunician obstruction. For that he needed the services of a tribune who would not be daunted either by the dominant party in the Senate, or, if it came to that, by Pompey, and who would be able to keep before the *patres* (many of whom wanted the preservation of peace far more than the destruction of Caesar) the reasonableness of his demands. He therefore offered a career to a tribune hitherto hostile, M. Scribonius Curio, a young man who rivalled his own youth in debts and ambitions. The choice was shrewdly made: though several of the other tribunes were in Caesar's interest, it was Curio who bore the brunt of the battle. Of the two consuls elected for 50 C. Claudius Marcellus C.f., although married to Caesar's great-niece Octavia, was firmly opposed to him. His colleague L. Aemilius Paullus was less stalwart, and finally Caesar's offers reached the high value which this nobleman placed on his political integrity.

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[1] *ad fam.* VIII, 8, 6–8.

[2] 'Ut aut maneat neque hoc anno sua ratio habeatur aut, si designari poterit, decedat,' *ad. fam.* VIII, 8, 9—'hoc anno' must, in the present writer's view, refer to the elections of the year 50 B.C.

Early in the year 50 Curio went over openly to Caesar. During the winter Cicero had hoped that Pompey would be sent out to command in Syria against the Parthians. What the proconsul was anxious about was his own return from his province, and, clearly with some qualms of conscience, he prepared to leave Cilicia as soon as his year was up in July 50. The activities of Curio in preventing discussion of the provinces, of which news reached him sent from Rome at the end of March or soon after, troubled him, but he apparently thought that there would not be a dangerous crisis if Pompey stood firm[3]. The question of the provinces and of a successor to Caesar should have come up on

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[1] *ad. Att.* V, 20, 8. 'Iucunda de Caesare et quae senatus decrevit et quae tu speras; quibus ille si cedit, salvi sumus.'

[2] *ad Att.* V, 2, 3; *ad fam.* VIII, 1, 2.

[3] *ad Att.* VI, 3, 4.

1 March, but Curio prevented any decision, and in April or early in May Caelius wrote to Cicero to explain the political situation as he saw it[1]. By this time it had become clear to Caelius that either Curio would be allowed to maintain his veto, which meant that Caesar would remain in his province as long as he wished, or that if pressure was put on Curio Caesar would defend him. Pompey and the Senate united to insist that Caesar should leave his province on the Ides of November of the current year[2]. Curio was firm in opposing this. Pompey affected to be acting fairly by Caesar, but it was clear that he was anxious to prevent him from retaining his army and provinces until he was elected consul (*i.e.* the summer of 49 B.C.).

Meanwhile Caesar was in winter-quarters in Gaul, well satisfied, we may assume, that Curio's action made his interests secure. It was, however, important that when Curio's tribuneship expired on 9 December 50 another strong tribune should take his place. Caesar's candidate was Antony, who left the army in Gaul in good time to present himself for the elections. For the consulship Caesar now put forward Ser. Sulpicius Galba and mobilized in support of both voters from the townships of Cisalpine Gaul. Meanwhile the orator Hortensius fell ill and died, causing a vacancy in the college of augurs, whereupon Antony decided to be a candidate. The extreme aristocratic party which was opposed to Caesar and Caesar's lieutenant prepared to support energetically L. Domitius Ahenobarbus at the augural election, which would follow those for the tribunate and the consulship. At the same time the news from Syria was bad and a serious Parthian invasion of the province was feared. The governor Bibulus plainly might need reinforcements, and, probably in May, the Senate voted that Caesar and Pompey should each contribute one legion to be sent to Syria. The action was in itself justified. Caesar's war in Gaul was over; Pompey's war in Spain had not even begun. Nor could Caesar complain when Pompey offered as his contribution the legion which he had lent to Caesar two years before. Without undue delay the two legions were detached, the First from Southern Gaul, the Fifteenth from Cisalpine Gaul, and sent south so that they reached Rome in the autumn. The threatened Parthian invasion came to nothing, and the two legions were not restored to Caesar but were sent to winter quarters in Campania.

[1] *ad fam.* VIII, 11, 3.

[2] It appears to the present writer probable (though not certain) that this was the date up to which Caesar's governorship was explicitly secured to him by the Lex Pompeia Licinia; see above, p. 617.

V. THE FINAL CRISIS

In Gaul, meanwhile, Caesar had good reason to believe that order was secured and, presumably on receiving word from Antony of his candidature for the augurship and the gathering opposition to it, he decided to hasten to Northern Italy. The election to the augurship was to be a trial of strength, and he was also anxious to help his lieutenant, on whose zeal and courage much would depend later. Moreover, if all went according to plan, Cisalpine Gaul would be the base of his own political campaign for the consulship elections in the year 49. The elections were held by the end of July[1], and before Caesar reached North Italy he was met by the news that Antony was successful in both his elections but that Galba had failed, and the new consuls-elect L. Lentulus and C. Marcellus M.f. were his declared enemies. It was clear that Pompey had not bestirred himself to assist Caesar's nominee in that election, and accordingly Caesar devoted himself for a while to the confirming of his popularity in Cisalpine Gaul. He then left Labienus in charge of that province and recrossed the Alps to rejoin his legions, which were concentrated for a review which was a farewell if all went to their general's liking and a pledge of their support if he had to face the Roman State in arms. The Thirteenth legion was ordered to Cisalpine Gaul to replace the Fifteenth and to be at hand in a crisis. By the middle of November 50 B.C. Caesar had posted his other regular legions in winter quarters, four under Trebonius among the Belgae, four under C. Fabius among the Aedui. This distribution, though not unprovident, was unprovocative. Caesar was careful to avoid the appearance of leaning upon armed force, for he had no desire to precipitate a crisis, the more as he knew that Rome was the prey to rumour; indeed, in September there had been a scare that he intended to occupy Placentia with four legions on 15 October[2].

It was indeed true that the situation had steadily become more dangerous. Curio had firmly maintained his veto, and in June the consul C. Marcellus had failed to secure a vote of the Senate to put moral pressure upon him. Pompey, who had earlier been unwilling to allow to Caesar anything more than the law which bore his name granted him, wavered from day to day. The consul-elect Lentulus was suspected of intending to serve Caesar's interests. The summer might have seen a new conference of Luca, which would impose on Rome Caesar as consul in 48 with Pompey abroad in Spain or in Syria. But the time for that passed, and with the Ides of November came what is here assumed to be the expiry of Caesar's term as defined in the Lex Pompeia Licinia. Yet, according to the practice, he remained in his province as governor so long as no successor was appointed, against Curio's veto the Senate were helpless, and when 10 December came there was Antony ready to take Curio's place. In May Pompey had fallen sick and lay ill in Campania where he was restored to confidence before he was restored to health by public expressions of goodwill.

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[1] See F. W. Sanford, *Nebraska Univ. Studies*, XI, 1911, no. 4.

[2] Cicero, *ad Att.* VI, 9, 5.

By this time Curio had added a refinement to his tactics. Whether with Caesar's approval or not[1], he constantly proposed that the Senate should pass a resolution that both Caesar and Pompey should give up their armies. The proposal commended itself to that great majority who wished to avoid a civil war at all costs. But Pompey could not bring himself to make a firm declaration of acquiescence, and the anti-Caesarian party plainly suspected a trap. In August[2] Caelius believed that within a year it would come to an open war between the two dynasts unless one of them went off to fight the Parthians, though he also believed that there was still time to wait and see which side would prove to be the stronger. In October Cicero, now at Athens on his return journey, began to fear that he would return to a civil war and found little to comfort him in the letters which he received both from Caesar and Pompey.[3] Caesar's claim was that the law of the Ten Tribunes gave him the right to be a candidate for the consulship *in absentia*, to which he apparently added as a corollary that he could retain his governorship and his army until he had exercised that right. Such a claim was plausible but it was no more[4].

When his governorship under the Lex Pompeia Licinia expired, his right to be a candidate *in absentia* could not deter the

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[1] The fact that Hirtius, *B. G.* VIII, 52, 4, writes as if Curio was making this proposal at Caesar's instance is not proof. It was, perhaps, a dangerous offer to make. If Pompey had openly accepted it, Caesar was somewhat awkwardly placed. It looks more as if Curio got Caesar's approval later; see also *B. C.* I, 9.

[2] See Sanford (*op. cit.* p. 35), who establishes a date early in August for *ad fam.* VIII, 14.

[3] *ad fam.* XIV, 5, 1; *ad Att.* VII, 1, 3.

[4] The soundness of Caesar's contention is not proved by Cicero's laments that he had been granted so much already—'Quid ergo? exercitum retinentis, cum legis dies transierit, rationem haberi placet? Mihi vero ne absentis quidem; sed cum id datum est, illud una datum est.' *ad Att.* VII, 7, 6.

Senate from appointing a successor or debar that successor from taking over his army and his provinces. The bar to that lay in the persistent use of a tribune's constitutional right to prevent by his veto the Senate from doing its constitutional duty, and, once the last day of Caesar's legally secured term had passed, this tribunician obstruction was really a challenge to the constitution. The interests of the Republic did not require Caesar to remain in command in Gaul and were injured by the failure to appoint governors for other provinces. On the other hand, Caesar was unwilling to give up some military command until the day he became consul designate because he feared his enemies at Rome, and he was prepared to protect, by force if need be, the tribune who protected him. His enemies, in turn, could only bear down tribunician obstruction by declaring that Caesar's army threatened the safety of the State. Yet they dared not conjure up the vision of war without the means and, above all, the leader to face it if the vision became reality. Thus all turned on Pompey, whose reputation and military following alone could match the conqueror of Gaul with his veteran legions at his back. He had indeed little choice. He had gradually committed himself against Caesar's widest claims, and if now he stood aside he would seem to Caesar one 'willing to wound and yet afraid to strike' and to Caesar's enemies he would seem Caesar's lackey. If he turned to Caesar it would be no longer as an equal partner. He would not be going to Luca, but to Canossa.

He cannot have faced the struggle with a light heart—he was too good a soldier to believe that he had the overwhelming advantage which he ever sought—but he spoke boldly, and Caesar's enemies felt sure of him. Under the shadow of war Curio contrived to force his proposal to a decision, and on 1 December the Senate by 370 votes to 22 voted that both generals should lay down their commands. But the vote was denounced as really a surrender to Caesar and the motion was vetoed. On the next day the consul Marcellus called on Pompey to take command of the Republic's forces in Italy, and Pompey accepted the commission. In the meantime Caesar had come into Cisalpine Gaul. He had good reason to suspect that his lieutenant Labienus, who may have overrated the rewards due to his success or resented the advancement of Antony, had been won over by his enemies and, besides, he could from there keep in touch with his agents in Rome. He still hoped to gain his ends without open war. He was now willing to be content with Cisalpine Gaul and Illyricum and two legions, or perhaps even with one legion and Illyricum, and he sent his lieutenant Hirtius to negotiate by means of Pompey's father-in-law

Metellus Scipio[1]. On 6 December Hirtius reached Rome only to find that Pompey had been named general to protect Italy against invasion, and, presumably believing that negotiation would be fruitless, he left Rome without seeing him. This naturally convinced Pompey that peace was out of the question, and events moved swiftly to the final break[2]. There were already rumours that Caesar's legions were preparing to attack, and if Italy was to be defended the government must act quickly. Nor could Caesar himself remain inactive. No sooner had the news come of the action of Marcellus than his couriers rode off to Southern Gaul with orders to the Eighth and Twelfth legions to break camp and march at speed to Italy[3].

Curio made one more effort. He went to Ravenna and received from Caesar an ultimatum with which he posted back to Rome in time to deliver it to the consuls before the meeting of the Senate on the first of January. It was Curio's previous proposal, backed by a threat if it was not accepted in its entirety. Less than ever could Caesar resign his command unless Pompey did the same. It was for the Senate to make effective the bargain which so great a majority had endorsed a month before. But the consuls would not permit a vote on the precise offer but raised a debate on the general situation. Pompey, whose military command prevented him entering the city, let it be known that the Senate must stand firm or forfeit his services. After various debates and proposals Metellus Scipio was allowed to put the deadly motion that Caesar should lay down his command by a date to be fixed[4], and that if he refused he should be treated as a public enemy.

Such a proposal implied, what in the view of the present writer was the fact, that Caesar's legally secured term was at an end. Until the command conferred on him by the Lex Pompeia Licinia was at an end it was idle to raise as a vital issue whether Caesar would lay down his command. But now he must face the question whether, if the Senate fixes a date by which he must cease to hold his provinces, he will obey the Senate. In the absence of an overruling vote of the People it was, by constitutional practice, a matter for the Senate to decide, and if Caesar refused obedience he was setting himself against the Republic. Even Gaius Gracchus had exempted the assignment of consular provinces from the veto of the tribunes, and it was not for one of the tribunician college to obstruct for ever the action of the Senate.

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[1] Appian, *Bell. Civ.* II, 32, 126; Suetonius, *Div. Iul.* 29; Vell. Pat. II, 49, 4. This offer may have been made at this time. See Rice Holmes, *op. cit.* pp. 331–3.

[2] Cicero, *ad Att.* VII, 4, 2.

[3] The legions must have started about Dec. 18. Sanford, *op. cit.* p. 18.

[4] *ante certam diem.* The interpretation of these words by E. T. Merrill in *Class. Phil.* VII, 1912, pp. 248 *sqq.* is here accepted.

Caesar's answer had already been given by his announcement that he would only lay down his command if Pompey did the like, and it was given again when his agent the new tribune Antony interposed his veto and prevented the resolution from having effect, after a large majority had voted for it. Pompey set to work to mobilize more troops, and the tribunes Antony and Q. Cassius were warned to leave the Senate House if they would escape violence. They left Rome, taking with them the one constitutional battle-cry with which they could supply their master, that the rights of the tribunes were being overborne. The Senate then, as though Caesar was a second Lepidus or Catiline, empowered the consuls, proconsuls, praetors and tribunes, to take measures to protect the State against the common enemy. Late on 10 January the fugitives reached Ariminum.

They brought to Caesar his battle-cry before the battle, but after the declaration of war. It had already become amply clear that the time for action had come. The Thirteenth legion had been moved to Ravenna, and there Caesar, with the knowledge of the debates in the Senate, had made his decision. On the night of the 10th the troops had been ordered across the Rubicon which divided Cisalpine Gaul from Roman Italy. Caesar dined quietly with his staff and then rode off across the river. There was to be no going back. The Civil War had begun.

CHAPTER XVI

THE CIVIL WAR

I. THE SEIZURE OF ITALY

CAESAR had one legion at Ariminum and no prospect of reinforcements from his provinces for a fortnight. It was early in winter, for the current Roman calendar was some seven weeks in advance of the seasons[1], but once Caesar had crossed the Rubicon it was clear that he had no intention of waiting for the spring. It was in his interest to act at once, so that he can only have been thankful to his enemies for forcing the pace. Great as was the risk of invading Italy with a single legion, it was smaller than that of waiting till the defence of the peninsula was organized. It is true that until the Senate proclaimed a state of war, the levy could not be begun, but it would have been possible, under the pretext of the Parthian war, to transfer to Italy the legions from Spain, which could have covered the mobilization even against the legions from Gaul, if Caesar decided to make war. If it was possible to leave Caesar governor of Gaul till the end of February[2] without compromising the whole question of his right to retain his governorship until his election, the precipitate decision of the Senate was simply due to a military miscalculation. The reason for the miscalculation was apparently the belief that Caesar's legions would not follow him in open war against the government. The information on which this belief rested was false, but it came from a good source, Labienus, who now left Cisalpine Gaul to join what he believed to be the winning side. Pompey declared that he had ten legions ready to take the field[3], and, since the first

Note. For the main narrative the sources are Caesar's *Civil War* and the *Bell. Alexandrinum*, the *Bell. Africum* and the *Bell. Hispaniense*. The correspondence of Cicero adds something, as do secondary sources (Suetonius, Plutarch, Appian, Dio), which preserve some traces of an independent tradition derived from Pollio. See below, p. 883.

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[1] In this chapter, since the time of the year is important for the understanding of military operations, the dates are given as corrected to the Julian calendar, 10 January, 49 B.C. being 22 November, 50 B.C.

[2] By the current calendar.

[3] Caesar, *B.C.* 1, 6, 1. 'Pompeius...copias suas exponit; legiones habere sese paratas x.'

concern of his hearers was the defence of Italy, it may be assumed that he meant legions available for that purpose. In Italy he had the two legions withdrawn from Gaul ostensibly for Parthia and no doubt some other troops raised in 52 and 51 B.C. ostensibly to reinforce Spain. But to reach the total of ten legions he must have reckoned upon transferring part at least of the Spanish army to Italy. No one at the time can have doubted Caesar's daring, but if he was not able to persuade his legions to move until he had concentrated his whole army, the government's mobilization might be completed. For this purpose Italy was mapped out into districts and the troops from each were enrolled in cohorts. A large proportion of the soldiers would be men who had seen service, and, once cohorts of experienced men were collected, they could then be organized into legions which would soon be ready to take the field. Raw recruits could be drafted to depots out of Caesar's reach to be trained at leisure.

By 26 November the news reached Rome that Caesar had entered Ariminum. This showed that he had, at any rate, one legion that would follow him even alone. Pompey, who had already realized what it would mean if Caesar was able to strike at once[1], sought to gain time by negotiation. Despite the efforts of Cicero, who since his return from Cilicia had laboured hard in the cause of peace, the consuls persuaded the Senate to send to Ariminum two envoys, the praetor L. Roscius and L. Caesar, to inform Caesar of the decrees that the Senate had passed. Pompey, the victim of his own brave words, could not openly advocate negotiation, the less as, despite a sensible proposal of Cato to that effect, he was not given overriding powers as Commander-in-Chief. But he sent a private message, which, according to Caesar[2], was no more than an appeal to subordinate his private wrongs to the public good and to think no ill of Pompey for acting as he had done. It is impossible not to suspect both that something more seductive was suggested and that the suggestion was intended to gain time by delaying Caesar's advance. Caesar's reply was to repeat his offer to disband his army if Pompey would do the same; if Pompey would countermand the mobilization and proceed to Spain, he was prepared to hand over his provinces to his successor and to present himself in person at the election for 48, waiving the right granted to him by the law of the Ten Tribunes. Thus the normal constitutional machinery could work freely and under no compulsion of force. This agreement was to be ratified by an interchange of solemn pledges taken at an interview between himself and Pompey[1]. Caesar, it may be assumed, added that until he received a reply agreeing to these proposals he would continue to act as his military interests dictated.

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[1] Cicero, *ad Att.* VII, 10; 11, 3–4; 12, 4.

[2] *B.C.* I, 8.

The offer was sincerely meant. If Pompey agreed to it, thus sacrificing, for the present, his personal ascendancy at Rome in the cause of peace, Caesar and he could, no doubt, contrive that Caesar would be safeguarded until the elections and then be elected. The effect would be the restoration of the coalition, but with Caesar as the dominant partner. The reply was received in due course by Pompey and submitted to the consuls and to the senators who had by then left Rome and removed to Capua. An answer was sent promising Caesar the consulship and a triumph if he would withdraw to his province and disband his army, but declaring that until he gave a pledge to abide by his own offer the levy must proceed. Pompey would go to Spain but a date for his departure was not fixed. On the other hand he was not prepared to meet Caesar, at least at this point[2]. We may suspect that both the Senate and Pompey were not sure that they could trust Caesar, that the Senate was not sure that it could trust Pompey once he met Caesar, and that Caesar was not sure that he could trust either Pompey or the Senate if the mobilization was allowed to continue undisturbed. Caesar refused to be content with the partial acceptance of his offer, and, little as any of the combatants can have felt confident of victory, the war went on its course.

The first operation of Caesar was to seize Pisaurum and Fanum on the coast road[3]. This gave him control of the north ends of the Via Flaminia. At the same time, Antony with five cohorts was sent to occupy Arretium on the Via Cassia. Next, while one cohort held Ancona, Curio with four others marched south and secured Iguvium. It was significant that the townspeople showed such goodwill towards Caesar that five Pompeian cohorts, which had been stationed there, were withdrawn by their commander and then dispersed to their homes. The occupation of Arretium and Iguvium secured Caesar against a sudden advance by the enemy and threatened a march on Rome by one or other of the two great roads. But Pompey was too good a soldier to attempt to hold the capital which would be the prize of victory, and Caesar had in view another objective, Picenum, where the local influence of the Pompeian house might prove strong. Accordingly, he ordered Curio and Antony to transfer their forces to Ancona, which

[1] *B.C.* I, 9, 5–6. Cicero, *ad fam.* XVI, 12, 3.

[2] Cicero, *loc. cit.* Caesar, *B.C.* I, 10, 3–4; 11, 1–3.

[3] Maps 4 and 6.

they both reached by 11 December. Meanwhile Pompey, the consuls and most of the senators had withdrawn to Capua. Here they considered Caesar's reply to the first envoys and sent the answer that has been described. On receiving it Caesar replied, and then, knowing that the Twelfth legion was at hand, pushed on south along the coast road, turning aside on the way to make sure of Auximum. In a week he had reached Castrum Truentinum, and had received news that Cingulum, despite the fact that it owed much to Labienus, was on his side. It was not safe to advance farther without being secure of the strong town of Asculum, which was held by Lentulus Spinther with ten cohorts. But the newly raised troops were not disposed to face Caesar's veterans. The Pompeian commander Attius Varus, who had been sent to conduct the levy in Picenum, had found it impossible to prevent his troops deserting as they retreated from Auximum and was equally unable to offer resistance. Vibullius Rufus, an officer in Pompey's confidence, arrived at this point, and, no doubt acting on instructions given in case things were going badly, contrived to collect 13 cohorts from the remains of the levy in Picenum and fell back on Corfinium, where eighteen cohorts had been concentrated[1]. Caesar had now two veteran legions, and behind him his officers were busy turning Pompeian deserters into Caesarian recruits.

In the meantime, Pompey had moved from Campania to Apulia, where he lay at Luceria with fourteen cohorts from his two legions. He realized that it would be necessary to abandon not only Rome but Italy. Indeed, the remainder of his troops were already at Canusium and Brundisium. The levies from the important recruiting ground of Campania and the south were to march to Canusium. They amounted in the end to thirty cohorts, and if the like number joined him from Corfinium he would have the makings of a strong army. But at Corfinium there was L. Domitius Ahenobarbus, the new governor of Transalpine Gaul. He was formally not subordinate to Pompey and he believed himself to be a general. About 19 December he received an urgent message from Pompey begging him to march south while there was time and he prepared to do so, but then with a flash of strategic folly he decided to stand his ground. He had heard that Caesar had advanced along the coast road to Castrum Truentinum. It appeared to him feasible to hold up the enemy's advance if they turned against him, and to join Pompey later if they continued to press on to the south. Pompey pointed out the dangers of this plan before it was too late, but on 27 December he received from Domitius a letter which reiterated the intention of holding his ground and a second message urging an advance north from Luceria. Pompey replied at once in a despatch which showed how clearly he realized the situation[1].

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[1] Domitius had brought 4000 men from Rome (Appian, *Bell. Civ.* II, 32, 129; 38, 149), apparently 12 cohorts, the remaining 6 had been recruited by Hirrus in Pompey's name. The 4000 men may be Pompeian levies raised in 52 B.C.; Lucan II, 478–9 and cf. A. v. Domaszewski in *Neue Heid. Jahr.* IV, 1894, p. 163, n. 4.

But it was now as impossible for Domitius to retreat as it was unwise for Pompey to advance. Caesar had seized his opportunity with both hands, and on 26 December he had secured the bridge over the Aternus near Corfinium and was preparing to invest the town. Domitius' dispositions were faulty. He had weakened his forces by posting six cohorts at Alba and seven at Sulmo, and he sent troops just too late to destroy the bridge[2]. Two days later Caesar was joined by the Eighth legion and twenty-two cohorts of recruits, so that even if Pompey had advanced with his two doubtful legions it would only have been to certain defeat. The investment rapidly proceeded while Domitius meditated his own escape, until on 1 January the garrison surrendered. Domitius, Lentulus Spinther, Vibullius and other men of rank were set at liberty, the troops comprising eighteen cohorts were enrolled in Caesar's army and, together with their comrades from Sulmo, who had surrendered, were sent to take possession of Sicily. With the rest of his army Caesar, that afternoon, marched against Pompey.

Four days after Corfinium fell Pompey reached Brundisium. The consuls had followed his instruction and brought the levies along the Via Appia, and within some ten days the whole available Pompeian army was concentrated at the port. Transports had been collected, and on 12 January the consuls with more than half the troops sailed to Dyrrhachium. Five days later came Caesar. His troops, incited by great promises, had marched twenty miles a day to prevent Pompey's withdrawal, and Pompey with 20 cohorts was still in Italy. Ahead of the army had travelled an envoy, Numerius Magius, an officer whom Caesar had captured and sent on with a message inviting Pompey to an interview at which proposals for peace would be made. What these would have been, we cannot say, for Magius was sent back with an answer which Caesar does not care to reveal[1]. We may assume that Pompey's conscience and vanity alike forbade him to be seduced into deserting his new friends in order to become the adjutant of his old partner. But Caesar did not despair. Magius took back some kind of message, presumably more definite temptation, to Brundisium, where Pompey was waiting for the return of the transports from Dyrrhachium. Caesar arrived and while he strove to block the harbour to prevent Pompey's sailing, he tried once more through an intermediary to bring about an interview. If he could capture Pompey either by war or by words, the game was in his hands. But Pompey returned the correct answer that he could not negotiate without the consuls[2], and then skilfully contrived to embark his army and sail away.

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[1] For this correspondence see the enclosures A–D in *ad Att.* VIII, 11.

[2] Sulmo opened its gates to Antony and the cohorts posted at Alba subsequently deserted to Caesar. See O. E. Schmidt, *Briefwechsel des M. Tullius Cicero*, p. 133 and G. Veith in *Klio*, XIII, 1913, p. 21.

With Pompey's escape went the hope of a speedy peace. It was not by Caesar's choice that the war went on. In sixty-five days he had made himself master of Italy. During that time he had displayed a clemency and generosity unknown in civil war. His troops had been kept firmly in hand, and to the indignant amazement of men like Cicero, the Italian municipalities had been ready to see in him anything rather than a Catiline or a vindictive Sulla. He remained in correspondence with members of the aristocracy, and his letters were skilful as well as sincere in making plain his readiness for a peaceful settlement provided always that he was allowed to reach the consulship without having to trust his enemies any farther than they were willing to trust him. The only peace that could have been made would have ensured him his career and the opportunity of carrying through reforms, and there is so far no evidence that such a peace or Caesar's use of it would have destroyed the framework of the constitution. Caesar was a reformer and ambitious by nature, a revolutionary only by force of circumstances.

Pompey left Brundisium on 25 January. Two days later Caesar started for Rome. Most of the magistrates had left the city with the consuls, but one of those who remained, the praetor L. Roscius, had proposed and passed a bill which at one stroke conferred the full Roman franchise on the population of Cisalpine Gaul. This measure, which became law on 19 January, placed beyond cavil any grants of citizenship which Caesar had made, and completed the full enfranchisement of Italy. The Transpadane Gauls had deserved well of Caesar but this was more than the payment for their services, it was an act of wise statesmanship. On two tables found at Veleia and at Ateste are recorded parts of a Lex Rubria which covers the transition in Cisalpine Gaul from Latin rights to citizenship so far as legal procedure is concerned[1].

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[1] See the letter of Caesar to Oppius and Balbus (*ad Att.* IX, 13 A) and *B.C.* I, 24, 5; 26, 2.

[2] *B.C.* I, 26, 3–5.

Caesar sought to collect a Senate, and notices were put up in the towns calling on senators to attend a meeting convened by the tribunes Antony and Q. Cassius on 9 February. On his way to Rome he had an interview with Cicero at Formiae and tried without success to prevail on him to attend. At the meeting, held outside the city since Caesar could not enter it without forfeiting his proconsular *imperium*, he tried to secure the co-operation of the *patres*, who were not willing to commit themselves so far as to take proposals of peace to Pompey. In Rome there was the treasure in the Aerarium which the consuls had failed to remove. This money Caesar needed, and apparently the Senate was brought to vote that he might draw from it. But a tribune Metellus vetoed the proposal and sought to secure the treasure by interposing his sacrosanct person. But Caesar, who did not intend to be hindered by the fact that he championed the cause of the tribunes, told Metellus that it would be easier to put him to death than to threaten him and he set smiths to break open the Aerarium and had carted away 15,000 bars of gold, 30,000 bars of silver and 30,000,000 sesterces[2].

Such a prize was worth the doubts of Caesar's mildness which his action aroused[3]. Some kind of government had to be left in Italy: the praetor M. Aemilius Lepidus acted as *praefectus urbi*, while Antony, although tribune, was placed in general charge of the peninsula, which was full of troops being trained for the war. Two squadrons of newly built galleys were formed to patrol the Adriatic and the Tyrrhene sea. Antony's brother Gaius was sent as *legatus* to Illyricum to hold the tribes in check and to guard the north-eastern borders of Italy; M. Crassus replaced Labienus in Cisalpine Gaul. Then after about a fortnight's stay in Rome Caesar himself set off on his way to his next campaign.

Pompey's decision to abandon Italy to Caesar was, beyond doubt, correct. He had only two legions that were trained to the necessary cohesion for battle, and these he could not trust to fight against the general whom they had so recently left victorious. The reproaches of Cicero were justified in so far as Pompey had been over-optimistic about his mobilization of Italy, but nothing else in Cicero's letters on this point is justified, despite the fine heading *M. Cicero imp. s.d. Cn. Magno procos.*[1] Granted that it was necessary to evacuate Italy, Pompey's choice lay between Africa, Spain and Greece. To go to Africa was to place the Senate's cause at the mercy of a single barbarian king, who might see fit to make terms with Caesar. How readily Africa might be fatal to a losing cause Pompey himself knew well. In Spain there was a Pompeian army, but with Gaul firmly Caesarian, Spain was a prison. It offered no hopes of a second Hannibal, only of a second Sertorius. Nor was the winter the time to trust all the fortunes of the Senatorial cause to a longish voyage. Finally, to go either to Spain or Africa was to forfeit the chance of using the resources of the East. It was a short voyage to Greece and an easy voyage back to Italy, if the moment came. The moment might come for Pompey as it had come for Sulla—*Sulla potuit, ego non potero?*

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[1] Bruns, *Fontes*^{7}, 16 and 17. For the view here taken on this vexed question see E. G. Hardy in *Eng. Hist. Review*, xxxi, 1916, pp. 353 *sqq.* For a different view of the *fragmenta Atestina* see Mommsen, *Gesammelte Schriften*, i, pp. 152, 192 *sq.*

[2] Pliny, *N.H.* xxxiii, 56. Orosius vi, 15, 5 gives 4135 pounds of gold and 900,000 pounds of silver.

[3] Cicero, *ad Att.* x, 4, 8; Caelius, *ad fam.* viii, 16, 1.

But though Pompey adopted the course which gave the most chances, these chances were not great. In the East he could find money and specialist troops such as archers and light cavalry, but between the Adriatic and the Euphrates he could not raise more than some half-dozen legions. In a pitched battle, legions would decide the issue, and they were to be found in Italy and Gaul this and that side of the Alps. When Caesar crossed the Rubicon he was the master of ten legions (including the Gallic formation called the Alaudae) and twenty-two cohorts; on the day of Pharsalus, eighteen months later, he had some thirty legions under arms[2]. But although that fact made a Pompeian invasion of Italy in the face of Caesar's armies out of the question there were factors which Pompey could take into account. The fleets of the Republic were in his hand, and if Caesar went overseas to meet him he had to risk the intervention of Pompey's galleys. Further the size of the army that Caesar could bring with him across the Adriatic was limited by the deficiency of transport. This was particularly true of cavalry, and so far discounted the fact that the troopers of Gaul and Western Germany were superior on the battlefield to any horsemen west of Parthia. Finally, if Caesar operated in a country that held by the Senate, his army would be limited by difficulties of supply.

But Caesar's veteran legions, thin as their ranks were, were each of them at least a match for the strongest Pompeian legions,

[1] *ad Att.* VIII, 11, B, D.

[2] See p. 572 and Note 5, p. 898.

and the problem of supply could be solved partly by the fighting power of Caesar's ration strength and partly by the willingness and ability of his legionaries to suffer hunger for their general. Caesar's daring, his impatience of the long game, and the skill of his opponents brought moments of danger, but the story of the Civil War is the story how his skill and the devotion of his men triumphed over the difficulties that beset the application of his superior man-power.

There are factors in the military problem which remained constant throughout the war. Cavalry, such as Caesar's heavy Gallic and German horse, could defeat other cavalry, bring infantry to a standstill, drive off light-armed troops and, of course, cut up a broken enemy. But it had small value for shock tactics against steady experienced infantry, which indeed might be used to support weaker cavalry against stronger with effect. The pilum, though its range was short, was an effective missile, and it could, at need, be used as a thrusting spear against horsemen. On the other hand, the pilum was outranged by the arrow and the sling bullet, and though legionaries were skilful in the use of their shields they might be worn down by the combined attack of light cavalry and light-armed troops. In a battle between infantry the skill of veterans told with the utmost effect. Their volleys of pila were more crushing and their handling of sword and shield more adroit, so that they could account for superior numbers of less experienced troops. On the other hand advantage of ground was of the first importance and especially if it was on the side of superior numbers it would compensate for inferior fighting quality. To the comparative immunity conferred by superior terrain may be added the speed with which troops could protect themselves by field fortifications which could not be carried except under heavy losses. Both sides showed great adroitness in this and especially in the combination of entrenchments with walled towns. On the other hand, siegecraft had been so developed that it was no longer impossible to take a fortress except by the lavish use of greatly superior numbers or the slow process of blockade. With operations thus protracted supply was a constant problem, especially to Caesar who, except in Spain, was always weaker in cavalry than his opponents.

It may be said that in general the interest of these campaigns lies in strategy rather than in tactics, for when the battle was once joined the issue could generally be foretold. Only once, at Pharsalus, did Caesar's opponents deliberately offer battle on open equal ground, and that was in the mistaken belief that cavalry could win the day before infantry lost it. Only once, at Munda, did Caesar attack in full force against definitely superior ground, and then he came within an ace of defeat.

The Civil War is disconcerting to students of naval strategy. In the most critical campaign Pompey trusted to sea-power, Caesar to the sea; and, despite exciting moments, the sea won. The cruising capacity of the fleets was small; Caesar was not afraid of campaigning in bad weather; and though his soldiers cannot have enjoyed their crossings they were obedient and patient. Naval construction had turned from speed towards solidity with the result that sea fights had become more and more affairs of boarding and in these the fighting power of legionaries counted for more than dexterity of manœuvre. The large crews were not easy to pay and to maintain, and after Pharsalus the naval superiority of the Pompeians disappeared.

There were more good generals among Caesar's enemies than in his own armies. Pompey was an able organizer and a fine strategist, Afranius displayed subtlety at Ilerda, Petreius was at the least a hard-bitten fighter, Labienus as a tactician was in Caesar's own class. On the other side, Antony's march to join Caesar after his landing in 48 was an earnest of his later exploits as a master of retreat; Decimus Brutus proved himself competent as did C. Fabius; Vatinius displayed enterprise. Apart from Romans, the cause of Pompey was well served by Saburra the Numidian general and the cause of Caesar by Mithridates of Pergamum and Bogud of Mauretania. But it is roughly true to say that when Caesar himself was not present, his lieutenants constantly had the worst of it. On the other hand, he had an advantage in his more numerous centurions. The greater part of the middle-class professional skill of Rome was on his side, and his legions of recruits could be officered by soldiers from among his veterans who had a knowledge of the art of war which they were ready to assert even in the face of their admired commander. Finally, to the troops themselves the war was not a war about high principles. The legionaries, it is true, were no mere mercenaries ready to sell their swords to the highest bidder. Their soldierly conscience kept them loyal to their commander so long as success was reasonably possible, but they fought for their generals, and in the magnetism which inspires troops to fight to the death for their leader Caesar had not to fear a rival in the enemy camp.

II. ILERDA AND MASSILIA

Caesar had to provide for the defence of Italy from starvation. On the day that Pompey had left Brundisium Cicero[1] had written of the possibility that his fleet would blockade Italy and seize the provinces on which Rome drew for food. Roman Africa, in particular, might be dominated by the Pompeians with the help of Juba, the king of Numidia. Accordingly Curio was sent to make sure of Sardinia and Sicily and thence to cross to Africa. It was possible that Pompey might advance north against Illyricum and with the help of the revolted tribes even threaten the north-eastern borders of Italy. Rome and Italy themselves were in no great danger. Pompey could not venture a serious invasion for the present, and in the meantime Caesar's officers were busy turning cohorts into legions.

There remained Spain, a natural objective which Caesar could reach without needing transport which he did not yet possess; and thither Caesar set out to eliminate the Pompeian army of the West. In order to secure a rapid, decisive and inexpensive victory he detailed for the campaign six legions from Gaul and brought with him from Italy three more, together with 900 cavalry. The last three legions were intended for the siege of Massilia and were left to conduct it under C. Trebonius[2], while with his cavalry Caesar rode on towards the Pyrenees. It had been the task of his lieutenant Fabius with the legions of Gaul to advance through the passes and to keep the Pompeians in play until his arrival. This had been achieved, and Caesar joined his army before the city of Ilerda.

Despite the superiority of Caesar's veterans in a pitched battle, the problem taxed even his genius. The Pompeian army of seven legions had been divided into three parts. Three legions under Afranius had been posted in Nearer Spain, in the eastern half of Further Spain Petreius had two legions, in the western half Varro another two. The legionaries were trained both in Roman and in Spanish methods of warfare; Afranius, who had fought against Sertorius as well as in the East, was an experienced and skilful general; Petreius, who had crushed Catiline, was a tough soldier. These two joined forces at the beginning of 49 B.C. and, with their five legions and a large number of Spanish auxiliaries, had troops enough for the strategy which they had determined upon after consultation with Vibullius, whom Pompey had sent to Spain. Varro, a man of letters rather than of war, was left in Further Spain,

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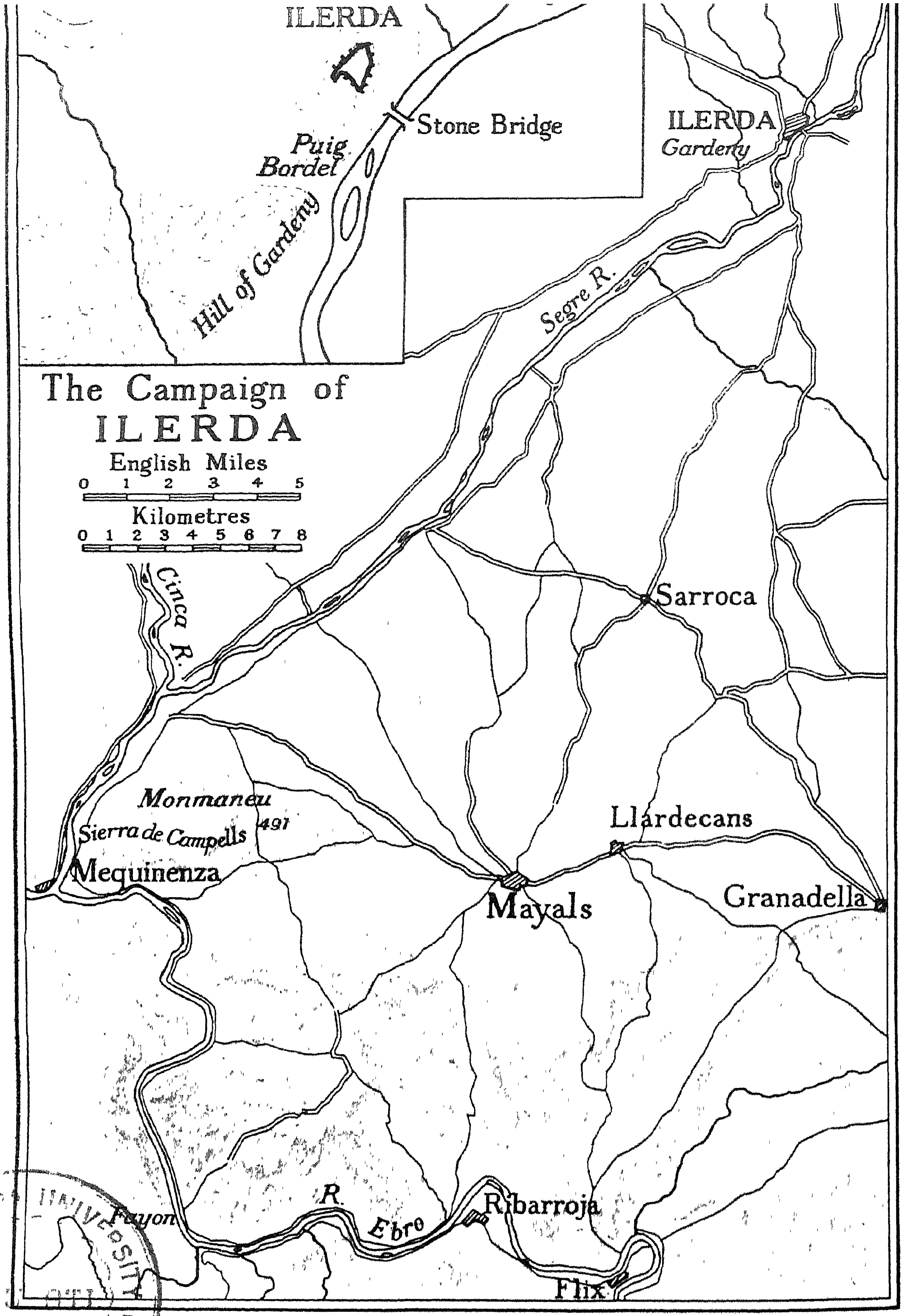
[1] *ad Att.* IX, 9, 2. [2] T. Rice Holmes, *The Roman Republic*, III, pp. 384 *sqq.*


ILERDA
Stone Bridge
Puig Bordel
Hill of Gardeny
ILERDA
Gardeny
The Campaign of ILERDA
English Miles
0 1 2 3 4 5
Kilometres
0 1 2 3 4 5 6 7 8
Segre R.
Cinca R.
Sarroca
Monmaneu
Sierra de Campells
491
Mequinenza
Llardecans
Mayals
Granadella
R. Ebro
Fayon
Ribarroja
Flix

C.A.H., Vol. IX (Taken by permission of Messrs Wagner and Debes from Kromayer-Veith, *Schlachten-Atlas*, Röm. Abt. III, IV, Blatt 19)

To face p. 649

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doubtless to organize reinforcements. The Pompeian strategy was to avoid defeat during the campaigning season of 49, to offer battle only at a great advantage. Caesar's strategy was the converse of this: he sought to dispose of the Pompeian armies in Spain without exposing his own legions to the losses inevitable in a pitched battle fought at a disadvantage of position. The day had not come when he could venture upon a battle like Munda (p. 703). He had to curb the impetuousness of his own troops confident from years of victory and to overmatch the patient skill of his opponents schooled in years of war. In one arm alone he had a definite and constant superiority—in cavalry, which he must use, not to win a victory—indeed Caesar never was a cavalry general like Alexander—but to secure himself the advantage in terrain. In this he at last succeeded in the course of a campaign which is a model of its kind.

Fabius had done his part well, and was by now encamped north of Ilerda which lies on the western bank of the river Sicoris (Segre). Here Afranius and Petreius had taken up their position. The city itself, strong on its hill, was garrisoned, but the main forces held the high ground of Gardeny, less than half a mile to the south-west. Their camp was too strong to be stormed, the city covered the stone bridge which crossed the river, the river itself covered their communications and secured their supplies, and Afranius could count on one ally more—the spring rise of the Spanish rivers, which he knew better than his antagonist. Even before Caesar's arrival on 2 May, there had been a sudden flood which swept away one of the two bridges which Fabius had built north of Ilerda. It was only Fabius' promptness in realizing his danger that saved from destruction two of his legions, which were for a moment isolated on the southern side of the Sicoris.

Caesar now came and offered battle, which Afranius more than half refused by ranging his army on the slopes of Gardeny. It was no part of Caesar's purpose to throw his legions into an uphill struggle in which his 7000 cavalry would take little part, but he skilfully contrived to form a camp within striking distance of his enemy. Between Gardeny and the town there was a low eminence which the Pompeian generals had left unfortified. Caesar tried by a surprise attack to capture it and then force the enemy to fight a pitched battle or to forfeit Ilerda and the all-important stone bridge. The attack failed, and Afranius established a force strongly entrenched on the knoll, which perhaps he had left open as a lure.

Next day the river rose in spate; Fabius' pontoon bridges were broken, and Caesar found his army short of supplies in the peninsula formed by the rivers Sicoris and Cinca. A convoy approaching from Gaul was only saved from destruction by the gallantry of its escort of Gallic cavalry. The Pompeians must have thought Caesar was trapped, as the Austrians were to think Napoleon was trapped before Aspern. After ten days Caesar contrived to pass troops across the river some twenty miles north of Ilerda by the use of coracles such as he had seen in Britain; a bridge was built, the convoy reached his camp, and his cavalry was able to act against the Pompeian communications. But its effect was diminished by the distance of the bridge, so that when the river began to run down Caesar prepared to divert part of the stream just above Ilerda so as to make a ford. Once this was made, the Pompeian supplies would be exhausted without the means of replenishment and retreat would be impossible. Accordingly, Afranius decided to fall back on a new position south of the Ebro, and a bridge was begun at the town of Octagesa[1]. In the night of 1–2 June the retreat began. Caesar's cavalry had got across at the ford, but it was barely practicable for infantry. None the less, as the legions saw the enemy escaping them, they begged leave to take the risk, struggled across, and then set off to march down the Pompeians, who had been delayed by repeated charges of cavalry. By the middle of the afternoon the two armies were in touch, and the retreat was checked. There followed a week of manœuvring, after which, despite the skill of Afranius and the resolution of Petreius, the Pompeian army, cut off from food and water, was forced to capitulate. Caesar's immediate purposes were met by its disbandment; Afranius and Petreius were spared to fight another day; before two months had passed, Varro had abandoned an unequal struggle and Further Spain was in Caesar's hands.

On his way from Spain Caesar found Massilia at his mercy. C. Trebonius had been left to conduct the siege, helped by Decimus Brutus in command of a fleet of twelve ships that had been built in haste at Arelate. The traditional seamanship of the Massiliotes failed before the resource of Brutus and the fighting of the picked legionaries who manned his galleys. Pompey, who knew the value of sea-power, sent a squadron to help the besieged, but it was feebly led and did no more than watch Brutus win a second victory. In the siege by land both attack and defence exploited the utmost resources of the times until at last a whole bastion was undermined. The moment had come for a grand assault which would end in a massacre. This Caesar had forestalled by sending instructions that the city was not to be stormed, and Trebonius made an armistice with the inhabitants pending the arrival of Caesar himself. Trusting too much to their good faith and wisdom, he left to the citizens the means of defence, which they used to surprise his army and burn part of his siege works[1]. But the respite was brief: Caesar's engineers contrived new means of attack, and a great terrace was built up to the city walls and again on the eve of assault the Massiliotes surrendered. That their surrender was accepted—though this time it was made surer by the handing over of arms and war-machines, ships and treasure—bears witness to the obedience which Caesar could exact from his officers and men. Presently he came himself to give sentence. The city was saved by its ancient repute, but it was stripped of most of its territory and dependencies and ceased to possess any political importance. For over two centuries Massilia had prospered, largely through her shrewd fidelity to Rome. She might be forgiven for accepting Domitius as the legitimate governor of the province and for doubting the fortune of Caesar, nor can a single act of treachery wholly discredit the bravery and determination of her defence.

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[1] Octagesa cannot well be Mequinenza (see Rice Holmes, *op. cit.* pp. 399 *sqq.*), but the present writer, after travelling over the ground, believes that it is not possible to decide between the claims of Ribarroja and Flix or of some place in their immediate neighbourhood.

III. CURIO IN AFRICA

In Africa P. Attius Varus had two legions at Utica and one at Hadrumetum and, what was more important, the promise of help from Juba, king of Numidia, whose father owed his kingdom to Pompey and who had a grudge both against Caesar for protecting a rebellious subject against him and against Curio who as tribune had announced a law to make his kingdom a Roman province. Underrating the enemy, Curio invaded Africa with only two of his four legions and 500 cavalry. He had with him as *legatus* C. Caninius Rebilus, an experienced soldier. At first all went well. Landing not far west of Cape Bon[2], he marched to the Bagradas and then went forward with the cavalry. He captured the goods that were being hurried into safety and won a success in an affair of horse, while his fleet caused 200 merchantmen off Utica to transfer themselves and their cargoes to his side. Rejoicing in these successes his troops hailed him *imperator*. Curio then advanced before Utica and defeated an advance force from Juba. But his army had already begun to suffer from sickness, which some attributed to the poisoning of the water-supply[1], there were some deserters and Curio's two legions were troops who had changed sides at Corfinium and might change sides again. Curio decided to make an appeal to his army and then to try to defeat Varus before he and Juba could join forces. Varus drew up his army outside Utica perhaps in the hope that Curio's men would desert wholesale, but when it became clear that this would not happen, he evaded a pitched battle and retired within the town. Curio, who had not the means to batter down the walls of Utica, began siege lines in the hope that the townspeople would force Varus to surrender. But their resistance stiffened at the news that King Juba was marching to their relief.

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[1] Caesar, *B.C.* II, 14, 1. Dio (XLI, 25, 2) refers to an abortive night attack by the besiegers during the truce. Caesar (or Trebonius) might conceal this, but there is no doubt that the townspeople destroyed the siege works by a surprise, and a surprise would be impossible if either side had previously broken the armistice.

[2] Stoffel's placing of Caesar's Anquillaria. This is doubtful, but no alternative as good has been suggested. See Rice Holmes, *op. cit.* pp. 424 *sqq.*

The news was true. Undeterred by the intelligence of Caesar's successes in Spain, the king was advancing, and when Curio became convinced of his approach he fell back on the Castra Cornelia, where he made a strong base with communications by sea. He sent for his other two legions and the rest of his cavalry; Caninius, of whom we hear nothing further, was perhaps dispatched to Sicily. All might have gone well, but, in an unlucky hour, false news was brought that Juba had turned back to repress a rising at home, and had sent on only weak forces under his general Saburra. Curio resolved to strike a crushing blow with his own army. He marched in the night with his legions, and dawn found him within the grasp of his enemy, who with the traditional strategy of the country led him on with a feigned retreat. Curio's cavalry had been sent on and had won a victory which convinced their general that he was right, and part of it was in no case to accompany the infantry in its advance. Everything from Curio's confidence to Saburra's skill worked together to bring about a complete disaster. The tactics rather than the overwhelming numbers of the Numidians[2] wore down the legionaries, and when Curio tried to break through to higher ground it was only to find that the enemy cavalry had forestalled him. Curio refused a chance to escape and died with the legions which Caesar had entrusted to him. The soldier historian, Asinius Pollio, escaped from the battle to warn the five cohorts that held the Castra Cornelia. But the warning proved vain. Part of the ships sailed at once, part were swamped by the troops that pressed on board, and the survivors who could not get away by sea surrendered to Varus, who did no more than protest the injury to his honour when the Numidian king claimed the right of a victor and had them massacred.

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[1] Appian, *Bell. Civ.* II, 44, 178. The fact of the sickness (which Caesar does not mention) may be accepted; its cause is very doubtful. See A. Ferrabino in *Atti della Accad. di Torino*, XLVIII, 1912–13, pp. 499 *sqq.* and S. Gsell, *Histoire ancienne de l'Afrique du Nord*, VIII, p. 14.

[2] The forces of Juba in the campaign of Thapsus after two years of preparation suggest that his infantry was 10,000 and his cavalry perhaps 3000. The figures of Veith, *Antike Schlachtfelder*, III, p. 759 seem too high.

In Curio there perished a brilliant young nobleman who, in war at least, repaid with more loyalty than skill the admiration and confidence of Caesar. More deserving of pity are his legionaries—more important is a defeat which promised a hope of victory over Caesar's legions, and left Africa to be a rallying-point for the Pompeians after Pharsalus.

In the meantime the Pompeians had succeeded, for once, in profiting by their superiority at sea. Dolabella with a squadron had been set to guard the Adriatic. His task was to protect the coast of Italy and of Caesar's province of Illyricum. Pompey's admirals M. Octavius and L. Scribonius Libo drove him on to the Dalmatian coast and there defeated him. He fell back on Illyricum in the hope of being covered by Caesar's troops under C. Antonius, who thereupon rashly posted part of his army on the island of Curicta (Veglia)[1]. When Dolabella had been driven off this force was besieged while two legions under Basilus and the historian Sallust watched helplessly from the mainland. Some of the troops escaped on two great rafts, but a third was entrapped by the enemy, and the Gallic auxiliaries on board after a heroic resistance against overwhelming numbers killed themselves rather than surrender. The rest of Antonius' force, fifteen cohorts strong, were driven by starvation to capitulate and were carried off to Pompey who drafted them into his newly formed legions. Besides these, Caesar had lost forty ships and what slight hope he had of disputing the command of the Adriatic. Octavius tried to follow up his success by reducing Salonae, but the Romans in the town held out stoutly until by a sudden sally they drove the besiegers to their ships. But although the coast of Illyricum was firmly held, it became to Caesar a source of anxiety rather than of strength.

[1] The fact that Lucan mentions Salonae (and Iader) is not evidence for the MSS. reading in Caesar *B.C.* III, 10, 5 'Corcyram' (which would be Corcyra Nigra) as against Mommsen's 'Curictam,' for Lucan (IV, 406) places Antonius on Curicta. For the topography see Kromayer-Veith, *Schlachten-Atlas*, Röm. Abt. III, Bl. 21 and text, and G. Veith in *Strena Buliciana*, pp. 267 *sqq*.

IV. THE CAMPAIGN OF DYRRHACHIUM

After the surrender of Afranius those of his legionaries who were not domiciled in Spain were conducted by four of Caesar's legions to the south-eastern border of Transalpine Gaul, whence they could disperse whither they would. The legions were then stationed at Placentia to wait for Caesar himself. They had served him well, but they were tired and disappointed of the bounties which had been promised them, and while they waited they showed signs of mutiny. The Ninth legion supplied the ringleaders, who may have hoped to force their general to allow them licence to find their compensations in the plunder of the civil population. They were soon undeceived. Hastening to Placentia, Caesar paraded the legions and announced his intention of visiting the Ninth with decimation. His masterful action sufficed to bring them to their obedience, and on the entreaties of the tribunes, he contented himself with the execution of twelve of the ringleaders and forgave the rest. The legions then set out on the march to Brundisium for a campaign in which their devotion was to stand every test of hardship and danger.

During Caesar's absence in Spain he had been concerned with his position in the State. It was no part of his purpose to challenge the rights of the existing consuls so long as they could not exercise them, but it was all-important to secure his own election for 48 B.C. It was the prize for which he had taken up arms, and when the application of force had secured that the 'beneficium populi Romani' should not be made of no effect, we may assume that he would have been content. With the consulship went security for himself and his career. But the absence of the consuls put out of action the normal machinery for his election. First he sought to have it ruled that the praetor Lepidus might conduct the consular comitia[1], and it was not until this project failed that he caused the same praetor to propose a law creating a dictatorship and appointing him to it. The definition of his dictatorship has not survived in the Fasti, but the fact that it rested on a law suggests that it followed the precedent of Sulla and conferred upon him the widest powers and not merely the competence to conduct elections and celebrate the Latin Festival. The greater his powers the more striking would be their abdication, which he intended as soon as he entered on the consulship. The wider powers had the additional advantage that he could appoint officers with a legal status, whose authority however would lapse upon his abdication. Finally, as dictator, he was raised above the veto of hostile tribunes which had embarrassed his first visit to Rome (see below, p. 729 n. 1).

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[1] Cicero, *ad Att.* IX, 9, 3.

He had showed that he was more clement than Sulla; it remained to show that he was no Catiline despite old fears due to his past and to the present character of many who were in his camp, the men whom Atticus neatly described as the *Nekyia*[1], ghosts emerging from the shades to regain the show of life by draining the blood of a Rome sacrificed to them. The war and the fear of it had led to a scarcity of money, creditors unwilling to lend and debtors unwilling to pay. Caesar thereupon, presumably by an edict, allowed debtors to discharge their obligations at once by surrendering property estimated by arbitrators at its pre-war value and, though of this Caesar himself says nothing, deducting the amount already paid by way of interest. It was estimated that the average loss to creditors was a quarter of the principal[2], but it was better to be paid that than to be paid nothing. A further danger was hoarding, and Caesar forbade the holding of more than 60,000 sesterces in cash. Such a prohibition could only be made effective by rewarding informers, but Caesar was careful not to admit slaves to the benefit of this. For he scrupulously avoided giving rise to nervousness about the established social order, and he had his reward in the growing confidence of the Roman financiers[3].

If Caesar thus belied the suspicions due to his earlier career, he gave effect to a policy which he had always urged (p. 489). He reinstated in their civil rights the descendants of those whom Sulla had proscribed and with more doubtful clemency he reversed the exile of those who had been condemned under Pompey's laws. The general recall of exiles was always the prerogative of the highest legislative bodies in ancient states and it was practically desirable to place it beyond all legal question. Caesar, therefore, even if his dictatorial competence absolved him from the necessity of doing so, was careful to have each exile restored by a law passed on the proposal of a praetor or a tribune.

Meanwhile he had been elected consul in due form together with a respectable but pliant aristocrat P. Servilius. The other magistracies were then filled with his partisans and governors were appointed for those provinces which were in Caesar's control, Lepidus to Nearer Spain, A. Albinus to Sicily, Sex. Peducaeus to Sardinia and Decimus Brutus to Gallia Transalpina. Q. Cassius was already governor of Further Spain. The Latin Festival for 49 was at last celebrated, and after eleven days in Rome Caesar set out to join his army at Brundisium.

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[1] Cicero, *ad Att.* IX, 18, 2.

[2] Suetonius, *Div. Iul.* 42.

[3] Caelius to Cicero, *ad fam.* VIII, 17, 2.

Pompey had under his immediate command nine legions. Of these two had once been lent to Caesar; three had been formed from the Italian levies which escaped from Brundisium; one came from Cilicia, being formed from the two very weak legions which Cicero had found there; one was of time-expired soldiers who had settled in Crete and Macedonia and two had been formed in Asia by the consul Lentulus. Into these nine legions he had drafted recruits from Greece and Epirus and the troops captured from C. Antonius. We may assess the average strength of these legions, thus reinforced, at some 4000 men[1]. Pompey had therefore about 36,000 legionary infantry partly veteran and only very slightly adulterated, if at all, by non-Italians. On the other hand his legions in training and cohesion remained inferior to Caesar's best troops. This inferiority would however disappear with time, and Metellus Scipio was on his way with two more legions from Syria, which were largely veterans and which, by the incidents of their march, showed themselves to be of good quality. Pompey had besides 3000 archers and 1200 slingers, all doubtless professional troops, and 7000 cavalry, which included 1100 excellent Galatian horse. During the summer of 49 great stores of food and munitions had been collected and placed in depots. The squadrons of Pompey's fleet under the general command of Bibulus reached at least 300 ships. Every month that Pompey was left unassailed made him stronger. Thus Caesar must strike at once. He had 12 legions under his hand in Italy, and though they were far below strength (perhaps 2500–3000 men each), they would win a pitched battle. He must therefore seek out Pompey. But Pompey was no novice in war and would refuse to play into his hands. Caesar must then force him to fight by threatening a vital point. The vital point most within reach was the connection between Pompey's army and his fleet, that is, the naval bases on the east coast of the Adriatic[2]. If Caesar could succeed in placing his army on that coast he might either seize it all or bring on a decisive battle. To march round through Illyricum would take too much time, expose his army to losses from the tribes of the hinterland and present the gravest difficulties about supply. The alternative was to cross by sea, and that meant dividing his army, for he had only transport for some 20,000 men, and risking destruction from the Pompeian fleet. But great as were the dangers, they must be faced.

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[1] There are signs that Caesar overstated slightly Pompey's actual fighting strength at Pharsalus, which in legionaries may be set at somewhat under 40,000 men (p. 899). When allowance is made for the accession of the *cohortes Afranianae* (apparently seven in number) and the losses earlier in the campaign, the estimate squares with that made above.

[2] See Map 3, facing p. 107.

Caesar hastened to Brundisium and no doubt news of his arrival there went across to Pompey, who marched westwards along the Via Egnatia from his training grounds in Macedonia. He might well trust his squadrons at Dyrrhachium, Apollonia, Oricus and Corcyra to give him timely warning, but there was no harm in being within striking distance of the coast. The Pompeian fleet failed him; Caesar put seven legions on board his transports, and a northerly wind carried him across the Adriatic, so that he was able to land on the open coast south of the Acroceraunia. If now the rest of his army which had been left under Antony could follow in the transports which he sent back for them, the first step to victory was secured. But Caesar's good fortune here deserted him for a time. The transports were either destroyed at sea or blockaded at Brundisium by Bibulus, raging at his missed opportunity; and though, by forced marching, Caesar secured the surrender of Oricus and Apollonia, he failed to consummate his success by taking Dyrrhachium.

After landing he sent his prisoner Vibullius Rufus to seek out Pompey with proposals for peace. Caesar may have hoped to induce in his antagonist a moment of indecision which might be turned to military profit, but, if so, the manœuvre avenged itself. Pompey was nearer than Caesar can well have realized, and Vibullius hastened to bring the news to him that Caesar had landed. By exertions which went near to turning his army into a rabble, Pompey reached the high ground where the north-west branch of the Via Egnatia leads to Dyrrhachium. It was a critical moment: had Dyrrhachium fallen, the coast was Caesar's: as it was, he was not strong enough with only seven legions to force his way through, and there was nothing for it but to call a halt. He took up a position south of the Apsus (near Kuči[1]) and Pompey with his troops now well in hand faced him on the opposite bank.

The position was now in favour of Pompey. Until reinforced, was already governor of Further Spain. The Latin Festival for 49 was at last celebrated, and after eleven days in Rome Caesar set out to join his army at Brundisium.

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[1] Though not all Veith's arguments are cogent, he has made it highly probable that Kuči is the spot, lying as it does on the road north-east from Apollonia with suitable positions on the side of the river and at the northern edge of what we may suppose to be Apolloniate territory. The plain to the west of it is waterlogged in winter.

Pompey had under his immediate command nine legions. Of these two had once been lent to Caesar; three had been formed from the Italian levies which escaped from Brundisium; one came from Cilicia, being formed from the two very weak legions which Cicero had found there; one was of time-expired soldiers who had settled in Crete and Macedonia and two had been formed in Asia by the consul Lentulus. Into these nine legions he had drafted recruits from Greece and Epirus and the troops captured from C. Antonius. We may assess the average strength of these legions, thus reinforced, at some 4000 men[1]. Pompey had therefore about 36,000 legionary infantry partly veteran and only very slightly adulterated, if at all, by non-Italians. On the other hand his legions in training and cohesion remained inferior to Caesar's best troops. This inferiority would however disappear with time, and Metellus Scipio was on his way with two more legions from Syria, which were largely veterans and which, by the incidents of their march, showed themselves to be of good quality. Pompey had besides 3000 archers and 1200 slingers, all doubtless professional troops, and 7000 cavalry, which included 1100 excellent Galatian horse. During the summer of 49 great stores of food and munitions had been collected and placed in depots. The squadrons of Pompey's fleet under the general command of Bibulus reached at least 300 ships. Every month that Pompey was left unassailed made him stronger. Thus Caesar must strike at once. He had 12 legions under his hand in Italy, and though they were far below strength (perhaps 2500–3000 men each), they would win a pitched battle. He must therefore seek out Pompey. But Pompey was no novice in war and would refuse to play into his hands. Caesar must then force him to fight by threatening a vital point. The vital point most within reach was the connection between Pompey's army and his fleet, that is, the naval bases on the east coast of the Adriatic[2]. If Caesar could succeed in placing his army on that coast he might either seize it all or bring on a decisive battle. To march round through Illyricum would take too much time, expose under the eyes first of Caesar and then of Pompey. Sixteen galleys from Dyrrhachium all but caught the transports during a drop in the wind, but in the nick of time the breeze freshened and the chase went on. Antony made the harbour of Nymphaeum (S. Giovanni di Medua) but it was exposed to a south wind. But as the transports came up, the wind—'incredibili fortuna'—veered to the south-west, and they were able to enter the haven, while the Pompeian galleys with tired rowers were broken on the lee shore.

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[2] See Map 3, facing p. 107.

The next problem was the junction of the two parts of Caesar's army. Antony had no doubt precise instructions in the event of his having to land north of Dyrrhachium and his natural march would lead him to the east of Pompey by the pass near Elbasan. The news of his landing reached Pompey, who divined what he would do, broke camp at night and marched to waylay him. The next day Caesar had the news, and himself marched north-east. Pompey reached a suitable spot, apparently Ciberak[1], and waited for Antony to march on him. But in vain was the net spread. Warned in time, Antony halted and when Caesar came up, Pompey, who could not afford to fight a pitched battle, marched off west and encamped at Asparagium (near Rogozina) north of the river Genusus. The enemy armies joined hands and followed him, crossing to the south bank of the river perhaps near Clodiana, where there are remains of an ancient bridge. The reason for the crossing may be that the other road had been blocked by Pompey or simply to have the river to guard their flank. Caesar with his united army offered battle, which naturally was refused.

He then determined to manœuvre his opponent out of his position by striking at Dyrrhachium. Accordingly he marched east. Pompey could not well move till he knew what his opponent had in mind, and when his scouts next morning informed him of Caesar's probable objective, he might well hope to reach Dyrrhachium on the straight road in time. But he had underrated the marching powers of his opponent's veterans and when his advance guard reached the coastal plain south of Dyrrhachium, Caesar was already before the city. It was a near run thing, but Pompey had time to seize the high ground of Petra (Sasso Bianco) some six miles below the town, and his presence made a regular siege

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about a month before that (c. 9 May Julian). This leaves little more than two months for the operations before Dyrrhachium and Suetonius' statement (*Div. Iul.* 35, 1) that the blockade of Pompey lasted nearly four months must be rejected. The other indications of date are reconcilable with the above chronology. See Rice Holmes, *op. cit.* pp. 477 *sqq.*

[1] Veith, *op. cit.* pp. 117 *sqq.*

impossible. He might indeed be not dissatisfied. Near both the sea and Dyrrhachium he had his supplies better secured than at Asparagium: on the other hand, though Caesar now had behind him a fertile plain, the food reserves of that plain had been systematically swept clean by Pompey's cavalry and it would be two months before the harvest was ripe. His position was the worse for the fact that the younger Cn. Pompeius had captured or burnt his ships of war in the harbour of Oricus and had destroyed thirty of Antony's transports, which had been posted at Lissus.

The immediate problem for Pompey was to make himself secure and to exploit his superior numbers not in battle but in the art of field fortification. This he did until his lines ran from fort to fort along the semicircle of hills which lies south or south-east of Petra. Caesar tried by a brusque attack to capture a hill (Paliama) which would have enabled him to bring his lines to the sea only three miles south of Petra; but Pompey realizing the danger defeated the attack. Finally, although Caesar succeeded in drawing his lines right round Pompey's position so that the south end rested on the sea, they were no less than fifteen English miles long, and to hold them Caesar had no more than a man for every yard. This grandiose operation, the attempt to imprison an army superior in numbers, is condemned by Napoleon, but it is to be remembered that the critic lived at a period in which trench warfare on a great scale was not in vogue. And, indeed, it is not easy to see what other course offered greater chances, granted that Pompey was not willing to accept a pitched battle. For perhaps six weeks the two armies watched each other while constant warfare along the two lines practised Pompey's recruits. Caesar's army had to support a severe shortage of their regular rations, and it was further weakened by the detachment of one legion and 200 cavalry to Thessaly, five cohorts to Aetolia and two veteran legions and 500 cavalry to Macedonia. These detachments took from Caesar his margin of superiority and it is probable that they were forced on him very largely by difficulties of supply[1]. But if the lines could hold, the future for Caesar was slowly becoming brighter. Though Pompey's troops could get their rations regularly by sea, fodder for his horses began to fail, and the one arm in which he was definitely superior began to be ruined. Even more dangerous was the threat of pestilence and the certainty of malaria as the season advanced. On the other hand, as the corn in the plain behind Caesar's lines began to ripen, the days of his privation would soon be over.

[1] Veith, *op. cit.* p. 245 *sq.*

Pompey now had to face the task of breaking through the enemy lines. His first plan was subtle and complicated. He was well aware that Caesar himself was worth a legion, and he contrived to draw him away by having offers made to betray to him Dyrrhachium itself. Leaving P. Sulla in command of the main reserve, Caesar with a small force embarked on the offered adventure and was then cut off by a sudden landing of Pompey's troops and only by hard fighting escaped with his life. Meanwhile three attacks were launched, a slight demonstration and two heavy attacks on positions in the centre of Caesar's lines. Only the heroism of a cohort which withstood the onset of five legions saved the situation until Sulla with the reserves came into action. It taxed even Pompey's skill to disengage his troops, so that Caesar's veterans, who were connoisseurs of warfare, believed that a victory might have been won if Sulla had taken the responsibility of driving home his counter-attack. Caesar defended his lieutenant, but the defence only shows how well advised Pompey had been to lure his great opponent from the scene of the battle. In the meantime an attempt had been made to save the Pompeian cavalry by transferring it to the land just north of Dyrrhachium, but this move was blocked by Caesar, who sent detachments to hold the two isthmuses which join the city to the mainland, but at the cost of a further slight weakening of his reserve[1].

Pompey then made a second plan, less far-reaching in scope but more sure in execution. Two Gallic notables had deserted to him bringing precise information about Caesar's dispositions. At the point where his lines approached the sea on the south a second wall had been built to guard it against troops landed behind it, but there was no cross wall to prevent an enemy from penetrating between the two. The end of the line was guarded by the quaestor P. Marcellinus, who was ill; next to him was Antony with the Ninth legion; Caesar and the headquarters were at the northern end of the lines. Here then was a weak spot, and Pompey struck at it in full force. No fewer than six legions and boat-loads of light-armed troops were used, and the attack succeeded for a time until it was held up by Antony, who signalled to Caesar. Presently came the reserves and the counter-attack, aimed at regaining the lost ground before Pompey could organize it and so make permanent the breach in the lines. With 33 cohorts Caesar attacked;

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[1] The precise scope of these operations is rendered uncertain by a lacuna in the text of the *Civil War*. It is possible that in the lacuna has been lost an account of the arrival of *Afranianae cohortes* from Africa to reinforce Pompey. See N. Menegetti, *Quel che Cesare non dice nel suo capolavoro*, pp. 44 *sqq.*

for a time all went well and an advanced Pompeian legion was hard beset, but Pompey brought up reinforcements and the attack miscarried among the network of trenches and fortifications. There was a panic, and it was only the complications of the terrain that prevented the defeat from being turned into a great disaster.

Even so, Pompey might be well content. The renegade Labienus asked to dispose of the prisoners, and taunted them before their death with the question whether it was the habit of veteran soldiers to run away. Pompey's troops had at last seen the backs of Caesar's veterans. The sight was to be too well remembered a month later before Pharsalus. In their newly won confidence the nobles ceased to fear the one thing they had still to be wary of—a genius commanding an army that had a defeat to avenge. Pompey, on the other hand, lacked the fiery energy needed to drive home his success. Method, calculation and dexterity had done their work, and to these he still trusted. His troops, as will be seen, were partly out of hand: whereas, shaken as they were, his opponents were still veterans. With consummate skill Caesar withdrew them from the lines and concentrated them at a point a few miles to the southwards. There he made to them speeches with the pregnant message 'ut acceptum incommodum virtute sarciretur.' Pompey was by this time encamped opposite him but in the night Caesar's army slipped away and the Pompeian cavalry failed to bring it to a standstill. In the morning he had reached his former camp at Asparagium and both he and his opponents occupied their old positions. Part of Pompey's troops who had started in haste went back to the camp of the previous day to collect their belongings, and at noon Caesar made a second march which Pompey could not follow. This start he maintained, and after four days the pursuit was abandoned.

V. PHARSALUS

Both commanders had for the moment some freedom of action, both, if we may trust Caesar, were largely swayed by a care for their other forces. Metellus Scipio was leading two legions and a strong force of cavalry from Syria. His march had been long and difficult, even if mitigated by plunder[1]. The self-conferred title of *imperator* commemorated the reverses he had suffered from the mountaineers of the Amanus. The news of Caesar's landing in Epirus had reached him while he was requisitioning the treasures of Diana of the Ephesians, and with laudable zeal he pressed on into Macedonia, where Domitius Calvinus was waiting to intercept him with two veteran legions. Scipio swerved aside in the hope of surprising Caesar's other lieutenant Cassius in Thessaly but failed to bring him quickly enough to battle and marched north again just in time to secure his valuable baggage from the advance of Domitius. The two generals manœuvred on the Haliacmon until Domitius, running short of supplies, retired westwards along the Via Egnatia[1]. By this time the reverse before Dyrrhachium had caused Caesar to send to him instructions to march to Thessaly, but the messages failed to get through, so that he was all but caught by Pompey. Only a lucky meeting of his scouts with Gallic deserters to Pompey saved him: he slipped away with four hours start, and marching south, joined Caesar at Aeginium. Scipio in turn, on instructions from Pompey, marched into Thessaly and occupied Larissa.

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[1] *B.C.* III, 31–2. Roman Asia Minor was no doubt subjected to heavy exactions, even if these are more exaggerated than is usual with Caesar.

Thus the need to save Domitius' army from destruction had practically compelled Caesar to march towards Thessaly. Pompey was not so limited in his choice. His first movement to entrap Domitius would have enabled Scipio to join him by marching west along the Via Egnatia, and he could then decide whether or not to follow Caesar into Thessaly. But he had in fact already decided. At a council of war after Dyrrhachium Afranius had urged him to invade Italy, leaving Caesar in Greece. He could return, like another Sulla, to find Rome at his mercy. But that meant the abandonment of his Greek and Eastern allies and the appearance of flight before a defeated enemy. It would be no easy task to recover Spain without first mastering Gaul, which would hold by Caesar; to maintain large forces under arms but inactive in Italy would be burdensome; the senatorial leaders might forget the war in their revenge. Until Caesar had been decisively defeated and his army destroyed, there could not be peace; the Pompeian army had gained confidence and must win before losing it again. Pompey, therefore, chose the best course open to him and marched to Larissa, where he found Scipio.

If Pompey was bound to fight in the end Caesar was by now ready to fight at once. He had joined Domitius at Aeginium and seized upon the resistance of Gomphi in Thessaly to hearten his troops with wine, loot, and massacre. This terrorism, followed by clemency to towns which submitted, gave him the control of the fertile western basin of the river Peneus. The corn was not yet ripe, but the army that had endured before Dyrrhachium would not be defeated by hunger in Thessaly. The precise manœuvres which brought the two armies face to face are not revealed to us. At some point near the town of Palaeopharsalus[1] Caesar encamped and presently Pompey cautiously approached and established himself on higher ground so that he could not be forced to fight except with the slope greatly in his favour. Caesar offered battle on several days and then decided to move off, hoping to manœuvre his opponent out of his position, perhaps by striking at his communications. In a war of movement the superior nimbleness of his army might offer him a chance of battle at an advantage. Whether Pompey could have afforded to stay where he was we cannot say, but on the very day that Caesar ordered his army to move, he decided to offer battle. As the head of the column was leaving the camp, he saw that the Pompeian army was forming for battle near the foot of the slopes. His chance had come: the legions were deployed into line with orderly speed and Caesar rode forward to discover the dispositions of the enemy.

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[1] The account in *B.C.* III, 36–8, based presumably on the report of Domitius, seems to do less than justice to the energy and resource of Scipio. See G. Veith, *Ant. Schlachtfelder*, IV, pp. 534 *sqq.* The scene of these manœuvres on the Haliacmon was probably near Kesaria. Veith (*loc. cit.*) has added new arguments in favour of this theory, which is that of Heuzey.

That Pompey offered battle wholly against his own military judgment and because of the impatience of the nobles in his camp is improbable. It is true that his decision was apparently taken before Caesar set his troops in motion, so that it was not due to any threat at his communications. Nor so long as he kept in touch with Larissa was his present position such that he was compelled to fight at once at all costs. But granted the chances of victory were on his side, it was wise to offer battle before his army forgot Dyrrhachium. Nothing in Pompey's career hitherto as a general suggests that he would have permitted his calculations to be influenced by the clamour of mere impatience. He must, therefore, be credited with the belief that the chances were on his side, and that he could not expect in the near future a more favourable opportunity. In his camp was Labienus, who had been a successful leader of cavalry in Gaul[2], and we may fairly assume that he had convinced Pompey that in the plain of the Enipeus his cavalry could decide a battle while his infantry withstood the attack of Caesar's legions. Caesar states that Pompey had 110 cohorts in the line at Pharsalus, rating them at 45,000 or 47,000 men in all, and that he himself had 80 cohorts amounting to 22,000 men. The number of his own men is no doubt roughly true, the number of the Pompeian infantry is almost certainly exaggerated. But that the average strength of a Pompeian cohort was greater than that of a Caesarian may be taken as certain, so that Pompey had a definite advantage in numbers. His troops, however, were not of the same quality as those of Caesar, and two of his eleven legions had fought in Gaul. It was in his cavalry that Pompey trusted, and his cavalry failed him. Its mission was to attack the enemy legions in the flank and rear after having swept away the thousand cavalry of Caesar. Its effects would be felt when the whole of the infantry was engaged. Caesar met this danger by withdrawing eight cohorts from his normal reserve and forming them into a separate reserve, placed obliquely behind the line.

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[1] The site of Palaeopharsalus cannot be decided with certainty. F. L. Lucas (*B.S.A.* xxiv, 1919–21, pp. 34 *sqq.*) places Palaeopharsalus at Koutouri, the battle below Mt Dogandzis, the Pompeian retreat to the north; Caesar is facing west, hence his movement towards Scotussa. This theory appears to the present writer the most probable, despite the objections advanced by F. Stählin in *Das Hellenische Thessalien*, p. 142, *Philologus*, LXXXII, 1926–7, p. 115 and J. Kromayer, *Antike Schlachtfelder*, IV, pp. 637 *sqq.*

[2] Caesar, *B.G.* III, 11; V, 56–8; VI, 7–8; VIII, 45.

The Pompeian infantry were ordered to stand and not advance to meet the Caesarian legions when they charged, so that the enemy might arrive out of breath and in disorder. But the experience of years of fighting had not been wasted. Of their own accord the veterans halted half-way, rested a moment, and then, hurling their pila, charged home. But though the Pompeians had lost the physical advantage they had hoped for and the moral advantage of the attack, they stood their ground. But on their left the cavalry lost the battle. They had thrust back Caesar's horse and were wheeling to envelop his infantry when the eight cohorts, holding their pila as stabbing spears, sprang forward. Caesar had said that all depended upon them, and they did not fail him. The cavalry broke and galloped off, the eight cohorts in their turn outflanked the enemy infantry, Caesar's third line was thrown into the battle and the Pompeian legions gave way and fled to their camp. Despite the heat and their exertions, Caesar's troops responded to his order to storm the camp, and the enemy infantry streamed in flight northward. When Pompey saw his cavalry turn he rode to his tent where he stayed a while, 'summae rei diffidens et tamen eventum exspectans.' Then as the enemy broke in over the ramparts, he laid aside his general's badges, found a horse, and fled.

While Antony with the cavalry hunted scattered fugitives, the main body of the Pompeian infantry retreated along the ridges to the north. By dusk Caesar with four legions had headed them off, and that night, after a day of fighting and marching, his tireless infantry drove an entrenchment between the hill on which the enemy had halted and the stream that flowed beneath it. By daybreak the remnants of Pompey's infantry surrendered. They had fought as well as their cavalry had fought badly, and Caesar and his troops treated them as brave men deserved to be treated. From first to last more than 24,000 men surrendered; the remainder were dead or scattered in flight, and Pompey's army ceased to exist. Labienus, who had sworn not to leave the field except in victory, brought the first news of the defeat to Dyrrhachium. L. Domitius had fallen, a few other senators escaped, and, at Larissa, Caesar burnt unread the correspondence of Pompey and Scipio. Then within three days of the battle, he rode out in pursuit of his rival.

While Pompey and Caesar manœuvred in the Balkans, the Pompeian fleet had not been idle round Italy. Even before Pharsalus D. Laelius had imitated Libo in establishing a naval blockade of Brundisium, where Vatinius had been left in command. Vatinius contrived to capture three of his ships and used cavalry patrols to prevent the enemy from obtaining water on the mainland. Corcyra and Dyrrhachium, however, sent supplies to the blockading squadron, which was based upon an island that lay off the harbour. Laelius' object was to prevent reinforcements crossing the Adriatic, but with the news of Caesar's victory he had no good reason for maintaining the blockade, the confusion of the Pompeians disorganized his supplies, and there was nothing for it but to withdraw. Another Pompeian squadron raised in Syria, Phoenicia and Cilicia boldly attacked the fleets which Caesar had posted at Vibo and Messana, presumably to protect the corn convoys from Sicily and Sardinia to Rome. Neither of Caesar's admirals was on his guard: a surprise attack by fireships destroyed the 35 galleys stationed under M. Pomponius at Messana, and the squadron of Sulpicius Rufus off Vibo would have met the same fate had it not been for the promptitude of the invalided veterans who had been left there. Five of Sulpicius' ships had already been destroyed when the legionaries without waiting for orders embarked in the remainder and beat off the enemy with the loss of two quinqueremes and two triremes. The Pompeian admiral C. Cassius escaped from his flagship, which was captured. Soon after he too received information of the news of Caesar's victory and withdrew with the fleet.

A third objective for naval action was the Adriatic, where hitherto the Pompeians had had successes. The events of 49 B.C. had emboldened the inland tribes against the Romans in the coast towns who adhered to Caesar. With the southernmost of these tribes, the Delmatae, M. Octavius allied himself after Pharsalus. Caesar in the spring of 48 B.C. had sent two more legions from Italy under Q. Cornificius, who had also raised a few ships from the coast town of Iader with which he made head against Octavius. But the war by land was difficult, and Caesar feared that the tribesmen would be reinforced by scattered Pompeians or even that Pompey himself would find means to revive the war in Macedonia. Gabinius was ordered to bring reinforcements. Presumably because the Pompeian squadron still held the sea he marched by land and did not reach the theatre of war until late in October. Even then his force suffered reverses and at last with only a remnant of his army he took refuge in Salonae, where disease ended his varied career.

By this time Caesar was far away and the veteran legions in Italy would not readily have left their quarters in Campania for a thankless and inglorious war in the mountains of Illyricum. But at Brundisium there were veterans who had been on the sick list when Caesar had crossed and were now fit and ready for action. In command was Vatinius who, for all Cicero's epithets, was a man of energy and resource. Cornificius wrote urgently for help, whereupon Vatinius improvised a fleet, put his veterans on shipboard and boldly set out to challenge Octavius who was blockading Epidaurum. Puzzled by this fleet from nowhere, Octavius retired northwards, but when he learnt the forces of his pursuer, he turned to fight off the island of Tauris (Torcoli, Sčedro). In an engagement, which has not unjustly been compared with the battle of Lissa in 1866, the boldness of Vatinius had its reward. His fleet came up piecemeal, but as each ship reached the battle its legionaries took charge of the event. With the remnant of his squadron Octavius disappeared, Vatinius returned to Italy in triumph, and Cornificius, with better hopes, resumed the task of pacifying Illyricum[1].

VI. CAESAR AT ALEXANDRIA

After his defeat at Pharsalus Pompey had ridden off and escaped by sea to Amphipolis, thence to Mitylene, where he joined his wife. Neither in the Aegean islands nor Asia Minor nor in Syria could he find strong friends. The legend that he meditated flight to Parthia may be disregarded. There remained two reasonable places of refuge, Africa and Egypt. Africa offered the better chance of restoring the balance of the war. Covered by a concentration of his fleet, he might yet build up a second army and by the constant threat to Italy force Caesar to some kind of peace. But he decided against this project. His pride may have revolted from enduring the insolence of King Juba, and he may have doubted whether his authority would survive defeat. For whatever reason, in an evil hour, he sailed for Egypt.

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[1] See Kromayer-Veith, *Schlachten-Atlas*, Röm. Abt. III, 4, Bl. 21 and Text and G. Veith, *Strena Buliciana*, pp. 271 *sqq*.

Three years before, Ptolemy Auletes had died: his will named as his successors his eldest surviving daughter Cleopatra and his elder son, a lad of nine or ten years, and entrusted them to the protection of the Roman People. Around these two had gathered a group of adventurers, Pothinus, tutor of the young Ptolemy XII, Theodotus, who was to teach him rhetoric, and an Egyptian or half-breed soldier, Achillas. The throne was guarded by a small 'army of occupation' left by Gabinius, which had no intention of leaving Egypt and had gathered to itself the foreign mercenaries of the royal house. Many of the Roman troops had served under Pompey, and if the new monarchs of Egypt forgot what their father owed to him, they might take up his cause. In the previous year the young Cn. Pompeius had been able to collect a fleet of 50 ships from Egypt, corn and 500 men, though this reflected a speculation on the chance of the war rather than any true friendship. For Caesar, no less than Pompey, had had a hand in the restoration of Auletes. In the previous few months Cleopatra had been driven from the country by a rising in Alexandria promoted in the interest of her brother or rather of his advisers. With the undaunted energy of a Macedonian queen, she had raised an army and now at Pelusium faced in arms her brother. At such a time, the advent of Pompey was unwelcome. 'Dead men do not bite' said Theodotus, and as Pompey stepped on shore he was stabbed by Achillas and two Roman officers. It was the 28th of September[1], the day on which, thirteen years before, he had entered Rome in triumph over the pirates and Mithridates. That day had marked the zenith of his fame, this ended the agony of defeat, and who shall say which day was the more fortunate?

His death excited the pity of the world and won for him a constant loyalty which in life he had enjoyed from few but his soldiers. The fame of his rival suffers no detraction by a fair estimate of Pompey's qualities. It is true that as a politician he was selfish, tortuous in word, ungenerous, greedy of praise. Yet he cared for good government and would give the State unwearying service in return for confidence and compliments. Set to a task within the ambit of his powers, he was clear-headed, swift and single-minded. Once the task was done virtue went out of him. His nature forbade him to grasp openly at power and rendered him maladroit in seeking it. An excellent organizer, a skilful tactician, a wary yet bold strategist, he was in the field no unworthy opponent of Caesar himself. Yet at Dyrrhachium Caesar had been the last soldier in his army to be defeated: at Pharsalus Pompey was the first. Herein lay the difference between them, not in technical skill or judgment or resource, but in that Pompey lacked that fusing together of spirit and intellect that marks off genius from talent.

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[1] By the current Roman calendar.

Three days after Pompey's death came Caesar. He had marched to the Hellespont and crossed to Asia Minor, protected by the news of his victory. There was a story that as he crossed the Straits his flotilla of small merchant craft was at the mercy of a Pompeian squadron under one L. Cassius, who surrendered to him. The story is disproved by the fact that Cassius' galleys do not appear to be reckoned in the fleet with which Caesar reached Alexandria[1]. Caesar's arrival in Asia saved the treasures of Ephesus which were on the point of being commandeered by the enemy. For the moment, since he needed goodwill and cared for good government, he remitted some taxation and made a beginning with an arrangement by which he improved upon the reforms of Pompey (see p. 395 and below, p. 712). It could only have been a beginning, for such an arrangement would take a long time. Hearing that Pompey had been seen at Cyprus, he deduced that he was making for Egypt, and with a small fleet he set out, taking with him his 800 cavalry and Sixth legion, together with a legion under Calenus ordered from Achaea. The two legions together only numbered 3200 men.

Off Alexandria he was met by Theodotus bearing the embalmed head of Pompey and his signet ring. A man of Caesar's generosity could not but be moved by the death of Pompey at the hands of renegades and aliens. But his sympathy must have been tempered by relief. After Pharsalus no composition was possible. Pompey stood too high even for Caesar's clemency, and his death, by his own hand or another's, was necessary. Now Caesar's good fortune had removed his rival without Caesar's act. After due respect had been paid to the past greatness of the dead, he might now take in hand the destruction of the remaining Pompeian forces. He was free to choose whether he would himself clear up the situation in the East or, sending his army to reinforce Domitius Calvinus who had been dispatched to Asia, go to Italy, transfer his veteran legions to Africa, avenge Curio and prevent a rally of the enemy. Whether he struck first east or west he could count on finishing the war by the next summer, and no one knew better than he the importance of following up a victory. On the other hand, during the next month the etesian winds made it difficult to sail north from Alexandria, and in that short interval it would be profitable to settle the Egyptian succession and exact the money still due to the Triumvirs for the restoration of Auletes.

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[1] To judge by Caesar's own statement, *B.C.* III, 106, 1, 'navibus longis Rhodiis x et Asiaticis paucis.'

His force was small, but as he tells us himself he was in the mood to trust to the prestige of Pharsalus. With the contempt of a Roman magistrate for a Hellenistic monarchy he landed with his lictors going before him and announced his intention, as consul, of deciding the fate of the Egyptian throne in the name of the Republic. This insult to a State which was still in name the ally not the servant of Rome, combined with the knowledge that Caesar had in the past sought to bring about the annexation of the country, aroused the populace of Alexandria, which was long accustomed to settle dynastic questions in its own way. The so-called army of occupation—a military Alsatia—was easily roused to resist an intruder by Achillas and by Pothinus, who, whatever his motives and method, sought to maintain the independence of the royal house. Before the etesian winds had ceased to blow, Caesar and his small army found themselves threatened by a siege in the royal quarter of the city.

The king, who had come to Alexandria at his summons, was with him in the palace and it might be possible to extricate himself by pronouncing in Ptolemy's favour and leaving Pothinus to rule in his name. Such a course would not easily commend itself to Caesar, who had already sent to Domitius for reinforcements, but it was quickly prevented. Cleopatra had a right to be heard if Caesar was to be judge, and she contrived to reach the city and to find a boatman to take her to him. She came, saw, and conquered. To the military difficulties of withdrawal in the face of the Egyptian army was added the fact that Caesar no longer wished to go. He was past fifty, but he retained an imperious susceptibility which evoked the admiration of his soldiers. Cleopatra was twenty-two, as ambitious and high-mettled as Caesar himself, a woman whom he would find it easy to understand and admire as well as to love. The path of safety and of self-denying statesmanship led away from Alexandria, but only those who underrate the daring and the egotism of Caesar will be surprised that he did not follow it.

Installed in the palace with Cleopatra as his mistress, he was now bound to maintain himself until he had placed her securely on the throne. The short war which followed taxed his genius to the utmost. The quarter of the city which contained the palace and the theatre had been organized for defence. By a *coup de main* he seized the great lighthouse at the eastern end of the island of Pharos which stretched across the main harbour. The Alexandrian fleet of 72 ships which lay at the quays was burnt and the flames consumed stores of books which legend promoted to be the great Library itself. Caesar had now opened the way to the sea and commanded it with his fleet of 34 ships. But his enemies were neither daunted nor incompetent. The western side of the main harbour was closed by a great mole, the Heptastadium, which they controlled, and beyond it in the Eunostos harbour a new fleet was built. In the meantime Cleopatra's younger sister Arsinoe had escaped from the palace and proposed to play queen to Achillas's general. Achillas was probably anxious to sell his sword to the highest bidder. At least Pothinus sent messages to him from the palace, urging him to hold by the king. The messages were intercepted by Caesar, who put Pothinus to death. Achillas soon after was killed by Arsinoe, who made her own tutor Ganymedes commander-in-chief. The change was of no advantage to the Romans. Their water supply came from cisterns fed by conduits from the higher parts of the town. Ganymedes contrived to raise sea water so as to spoil the water in these conduits. This new form of attack shook the courage of Caesar's legionaries until he set them to dig wells. A night of digging ended in the discovery of a fresh supply.

The day after this danger was averted came a fleet of transports bringing the Thirty-Seventh legion from Syria. Once Caesar had determined to stay at Alexandria he had dispatched a more urgent message to Domitius to send what troops he could by sea and to march himself with the remainder through Syria. Domitius was busy with Pharnaces (see below, p. 676 *sq.*) and though he sent two legions, had to remain himself in Asia Minor with the third. But Caesar had not trusted to Domitius alone. Besides sending messages to the ports of the Levant demanding ships and to Malchus, king of the Nabataeans, for cavalry, he had commissioned a well-born adventurer, Mithridates of Pergamum, to raise any troops he could in Cilicia and Syria and march to Egypt. Mithridates collected a small army from people who had a grudge against Pompey or Egypt, or a sense of the wisdom of backing Caesar. The shrewdest of these was the Idumaean Antipater who had changed sides on the news of Pharsalus (p. 404). The second of

Domitius' legions apparently got no farther than Syria, but before the end of 48 Mithridates was within striking distance of Pelusium, the eastern gate of Egypt. Meanwhile, Caesar had brought in the transports, which had been driven by a south-east wind past the entrance to the Great Harbour. He had set out with his fleet without taking on board the legionaries who were needed to hold the land defences, and he was in some danger from the new Alexandrian fleet which Ganymedes dispatched to cut him off. But the skill of the Rhodian galleys won for him a naval victory, and the transports were towed in triumph into port.

The naval victory was not complete, for darkness had prevented a pursuit of the defeated enemy. By great exertions Ganymedes managed to get ready for sea a considerable fleet including five quinqueremes and twenty-two quadriremes. It was a medley of old and new ships with many improvised oars and, perhaps, ill-trained oarsmen, but Ganymedes made a bid for the command of the sea. Caesar accepted the challenge and advanced against the Eunostos harbour. His fleet was thirty-four ships, six of them quinqueremes and ten quadriremes, manned for this critical engagement with every soldier who could be spared. Between the two fleets were shoals pierced by a narrow passage, and neither for a time ventured to risk the advance which might mean defeat before the supporting ships could deploy. But the Rhodian Euphranor, who acted as admiral, was as bold and skilful on sea as Caesar was on land. Four of his galleys darted through the passage and by a dexterous manœuvring made sea room for the rest. Once Caesar's fleet had got into the harbour, the sailors' battle became a soldiers' battle in the narrow space, and the Alexandrians were driven in flight to the shelter of the Heptastadium and the buildings of the harbour, which were equipped with every kind of artillery.

This victory, too, was incomplete. What was needed was to capture the Heptastadium, and this Caesar now attempted to do. By a surprise attack he captured the whole island of Pharos and secured a footing on the north end of the mole. Next day he launched an assault on the mole itself supported by his fleet. But the impetuosity of his marines and sailors, first in attack and then in flight, ruined Caesar's plans. The Alexandrians fought well, and the assault proved a complete fiasco. Caesar had to swim for his life, and 400 of his precious legionaries perished. He had now no longer men enough to do more than defend himself, and the sea remained disputed by the two fleets. Indeed, in an engagement off the western mouth of the Nile, Euphranor alone distinguished himself. His reward was to be left unsupported so that his ship was sunk with all on board. Caesar had placed in command of the fleet the quaestor Tiberius Nero, the father of the Emperor, whose family believed that he won a victory[1].

In the meantime, Caesar had sent the king to join his subjects. A party among the Alexandrians was weary of the war and of the rule of Arsinoe and Ganymedes; the king would be a rival to their authority and a means of reaching a peace with Caesar, if reinforcements, which were already expected, made him too strong to drive out. Accordingly they requested Caesar to allow the king to leave the palace. This Ptolemy was very ready to do: he hated Cleopatra and Caesar, feared that he would be supplanted by Arsinoe, and hoped to lend his name to a victory over all three. Caesar in turn had good reason to accede to the request, besides the gentlemanly preference for fighting against a king which is adduced by the author of the *Bellum Alexandrinum*. That he can have believed that the king would work for peace is hardly probable, but it was clear that Ptolemy's presence in the enemy's camp would do them little good, and would make Caesar's liaison with Cleopatra pass more smoothly. At an interview rich in dissimulation in which Caesar shrewdly played the dupe, they parted. 'With such alacrity did the king begin to make war against Caesar, that his tears at the interview seemed to have been tears of joy'[2].

It was not long before the war was transferred to the open field. Mithridates had taken Pelusium after a day of hard fighting, and now marched down the eastern branch of the Nile rather than entangle himself in the streams and canals of the Delta. Ptolemy, who appears to have lacked neither energy nor an instinct for war, sent a force to check the advance and then moved the rest of his army by water down the Canopic Nile in the hope of crushing Mithridates before he could join hands with Caesar. But the news had reached the Romans at the same time. Caesar embarked the main part of his army and sailed eastwards as though to reach Mithridates from that side; then with lights out his ships turned and slipped along to the Chersonnesus promontory. Here the troops landed and by a forced march reached the relieving army. Ptolemy posted his forces skilfully and made a stout resistance. Caesar's German cavalry contrived to cross an arm of the Nile which protected one side of the king's position, and the legionaries, making bridges of felled trees, followed their example. The advanced forces of the Alexandrians were routed, but the main camp of the king held out firmly. The defence seemed to prevail, and most of the troops stationed to guard the rear of the Alexandrian position crossed to the main front to assist or applaud the defenders. This movement on higher ground was detected by Caesar, who promptly sent an experienced officer, Carfulenus, with three cohorts to assault the weakened place. He carried out his task to perfection: the sudden inrush of his troops caused a panic, the Alexandrians broke down the wall of their camp in order to escape by water. In the rout Ptolemy met his death. Leaving the infantry to follow, Caesar rode off to Alexandria, where he was greeted by a population of suppliants, bearing with them the images of their gods, who having failed to bring victory were now mobilized to secure forgiveness for their worshippers. Once more Caesar's skill and good fortune had served him well, though little better than Mithridates of Pergamum.

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[1] Suetonius, *Tib.* 4; Dio XLII, 40, 6.

[2] *Bell. Alex.* 24, 5.

Caesar passed in triumph through the enemy barricade to greet the handful of men he had left to hold his improvised fortress in Alexandria. He brought to Cleopatra the welcome news of her brother's death, sent Arsinoe to Italy, and proceeded to give effect to the will of Ptolemy Auletes. There survived a younger son, a lad of ten or eleven who was proclaimed the royal consort of Cleopatra as Ptolemy XIII. It is to be assumed that the royal debt to the Triumvirate was paid to its surviving member. It is possible that Caesar promoted in some way the interests of the local Jewish community[1]. The part of the city in which they lived adjoined the royal quarter, and they may well have been of service to Caesar in the siege[2]. Their fellow-countrymen had also been the most forward to supply troops and supplies for the relieving army. All this was for Caesar a few days' work at most: for the next two months he enjoyed the company of Cleopatra and the sights of Egypt. A State barge conveyed him and his mistress up the Nile, while both general and soldiers enjoyed a well-earned holiday.

Yet Caesar's presence was badly needed elsewhere. It was more than a year since he had left Rome to take the field against Pompey and during that time things had not gone too well. As has been seen, he had refused to act like a Sulla, or a Catiline, and some of his greedier followers soon showed their disappointment. Above all, Caelius, who had fought in Spain and had been rewarded by election to the office of *praetor peregrinus* for the year 48, had set himself to thwart the administration of the new law of debt by the *praetor urbanus* Trebonius. He soon passed from legal obstruction to rioting, until Servilius, Caesar's colleague in the consulship, invoked the authority of the Senate and put an end to his activities at Rome. Thereupon, after a vain attempt to raise a party in Campania, he joined Milo in the south of Italy. Milo, who had returned from exile in order that his talents in disorder might not be wasted, gave out that he was acting under Pompey's orders while Caelius alleged that he was on his way to join Caesar. Milo tried violence at Cosa, and Caelius tried bribery at Thurii, and both met their death.

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[1] On the position of the Jews in Alexandria see above, p. 431, n. 1. Josephus (*Ant.* XIV [X, 1], 188; *c. Apion.* II, 37) declares that a stele attested the right of citizenship granted to them by Caesar. But it is not easy to see how Caesar could have changed whatever civic status they possessed in a kingdom legally independent of Rome. It is perhaps more probable that the stele recorded an act of Augustus. See Th. Reinach in *Rev. des études juives*, LXXIX, 1924, p. 123.

[2] A. Bouché-Leclercq, *Histoire des Lagides*, II, p. 214.

After this there was quiet while all men waited for news from beyond the Adriatic. At last came, first rumours and then the certainty of Caesar's victory, presently followed by the arrival of Antony with the legions sent home after Pharsalus. There had been no consular elections for 47 and it was now the end of October according to the calendar in force. Any doubts about the future were soon set at rest. Antony brought word that Caesar wished to be dictator on the same terms as before with himself, Antony, as Master of the Horse. No term was fixed for the dictatorship. The augurs protested against Antony's appointment as not being limited to six months, but the protest was probably bad law and certainly bad policy. At least it was ineffective, and Antony, as Caesar's deputy, assumed control of the administration. His task was not easy: he had to maintain order, to keep Caesar's veterans in a good temper until Caesar returned, and to pursue towards the supporters of Pompey a policy of clemency combined with precaution. During the crisis in Alexandria nothing was heard of Caesar, then came the news that he was victorious but in no hurry to leave Egypt, and then that he had embarked upon a new campaign of uncertain duration. During such time as he could spare from riotous self-indulgence, Antony struggled against difficulties with fair success.

The unextinguished rights of the tribunate were exploited by Cicero's worthless son-in-law Dolabella, who proposed to legislate about debt to the disadvantage of his own creditors and those of other men. He was held in check by his colleague Trebellius, while the Senate passed resolutions that no new laws should be proposed until Caesar returned and, later, that Antony might keep troops within the city. The tribunician opposition to Caesar was becoming serious in his absence; and in the early summer of 47 Antony found it necessary to descend upon the Forum in full force to prevent Dolabella's proposals from being passed into law. Even more troublesome were the legions, who resented the delay in their triumph and discharge. They became a danger to the State and a curse to the townships in which they were billeted. Antony had the prestige born of his own achievements and Caesar's favour, but as the year 47 advanced, even he began to lose his control over troops who were well conscious of their deserts and their own power to enforce their claims[1]. Finally, there were the Pompeians, the possible danger of a sudden stroke from Africa against Italy or the provinces which sent food to Rome, and the difficulty of handling men of position who measured Caesar's mercy by their own and might be driven by fear and a bad conscience to join the enemy in the field or to provoke trouble in Italy or the provinces. The anxieties of such men may be deduced from the letters of Cicero, who added to them estrangement from his wife, quarrels with his brother and disapproval of his son-in-law.

VII. NICOPOLIS AND ZELA

But before Caesar could return to Rome he had a task before him in Asia Minor and Syria. The chief client kings, Ariobarzanes of Cappadocia and Deiotarus, who ruled most of Galatia and Lesser Armenia, had helped his opponents. They were anxious to show their loyalty to the Senate and their gratitude to Pompey. One other, Pharnaces, the son of Mithridates Eupator, preferred to play for his own hand. His rule in the Bosporus was not so much the reward of loyalty to Rome as of disloyalty to his father; now he sought to exploit the absence of Ariobarzanes and Deiotarus by overrunning and annexing Cappadocia and Lesser Armenia. After Pharsalus the two kings hastened to buy their peace from Caesar by engaging to pay subsidies, and Cn. Domitius Calvinus with three legions formed from Pompey's troops was sent to settle the affairs of Asia Minor. Two of these legions were, however, dispatched to help Caesar at Alexandria so that Domitius was left with insufficient forces to deal with Pharnaces, who had withdrawn from Cappadocia, but now was not disposed to evacuate Lesser Armenia. Domitius, who knew that his duty was to reserve for Caesar the profits of Deiotarus' fall from grace, concentrated at Comana in Pontus the best army that he could muster. He had one legion of good troops, the Thirty-Sixth, two of Galatians whom Deiotarus had had trained and armed in the Roman fashion, one hastily raised in Pontus and a modest force of cavalry[1]. With these he advanced as far as Nicopolis, disregarding the embassies and royal presents with which Pharnaces sought to stay his progress, and halting just before an ambush which was prepared to entrap him.

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[1] Signs of discontent had appeared during the winter 47–46. Cicero, *ad Att.* XI, 10, 2.

Domitius apparently hoped for a time that Pharnaces would in the end abandon his claims to Armenia, but the king was emboldened by intercepted despatches which told of Caesar's straits at Alexandria and urged Domitius to march to Syria and Egypt. Caesar's instructions were in some way let through to his lieutenant, and Pharnaces in a well-chosen position before Nicopolis waited to see his opponent retire or offer terms. Resolute to do neither, Domitius offered battle. His Pontic and Galatian troops were defeated by the shrewd tactics of the enemy, and only the steadiness of the Thirty-Sixth saved it from destruction[2]. The remnant of the army and the advent of winter protected Western Asia Minor, while Pharnaces overran Pontus, taking town after town, satisfying his avarice with plunder, his cruelty and lust with the castration and dishonour of Roman youths, and his pride with a comparison between his father's fortunes and his own.

One thing was needed to complete the comparison: Mithridates had had to face Sulla, Lucullus and Pompey, Pharnaces had to face Caesar. Late in March, when the season for campaigning in Asia Minor was at hand, Caesar broke off his holiday and sailed from Alexandria for Ptolemaïs Ace in Syria. To protect Cleopatra and her new child-consort he left behind three legions with the son of a freedman[3] to watch his interests. With Caesar went only the Sixth legion barely a thousand strong, but he had at call the forces of Mithridates and the second legion sent by Domitius, which was still in Syria. The victory at the Nile had restored his prestige so that he could quickly enforce his will wherever he would.

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[1] *Bell. Alex.* 34, 3–5. The MSS. give 100 cavalry from Deiotarus and as many from Ariobarzanes. The number is reasonably suspect as too small. Domitius also sent for troops from Cilicia, but either Mithridates of Pergamum had already collected the available forces or they had no time to reach Domitius before Nicopolis.

[2] On the topography and the tactics of the battle see Kromayer-Veith, *Schlachten-Atlas*, Röm. Abt. III, 4, Bl. 21 and Text, on the chronology see Judeich, *Caesar im Orient*, pp. 63 *sqq.*

[3] Rufio or Rufinus, according to the reading in Suetonius, *Div. Iul.* 76. The choice of one below senatorial rank is perhaps an anticipation of the policy of the principate towards Egypt.

The Jews had deserved well of him and he reversed the arrangements of Gabinius (p. 403) and restored Jerusalem to its predominance, confirming Hyrcanus as High Priest and promoting Antipater to be administrator of Judaea. The walls of the city were to be rebuilt and Joppa, its natural seaport, was restored to the Jews, who were freed from providing winter quarters for Roman troops and for a time at least exempted from paying tribute to Rome. Though these arrangements were referred to the Senate for formal ratification and modified later by Caesar himself, they were practically effective and won for Caesar the goodwill of the Jewish Diaspora, which still cared for the fortunes of their homeland.

From Judaea he passed on to Antioch. Here he rapidly completed his arrangements for Syria and left the province in the charge of Sextus Caesar. He himself sailed from Seleuceia to Tarsus, where he received the representatives from the several communities of Cilicia and also C. Cassius, whom he pardoned; then with the Sixth legion he marched rapidly northwards to Mazaca and thence to the borders of Pontus, where he joined forces with the Thirty-Sixth and the Pontic legion together with a legion and cavalry furnished by Deiotarus.

Pharnaces, divided between fear and the desire to keep what he had won, sent envoys to Caesar, who made a reply which would keep the king within striking distance. He hinted that submission and reparation—so far as reparation was possible—might earn him pardon, and left him to imagine for himself that his opponent was more anxious to leave Asia Minor for Italy than to crush him. Thus Pharnaces lay at Zela, the scene of his father's victory over Triarius, and temporized with growing confidence in his fortune and his subtlety. Caesar drew nearer to his prey, until with a sudden night move he brought his legions within a mile of the enemy. While the legionaries were making their camp on an eminence which faced Pharnaces' army across a narrow valley, the king, who had drawn out his troops in line, suddenly decided that the moment was propitious to attack. The scythed chariots which led the charge were on the Romans before their ranks were formed, but the pila drove them off and the royal infantry as it followed soon met Caesar's men advancing down the slope. The Sixth legion on his right presently bent back the enemy's line, and after some hard fighting the king's army reeled in confusion into the valley and scattered as Caesar's line in turn pressed up the opposing hillside. Pharnaces' camp was stormed and he himself fled in defeat. To the writer of the *Bellum Alexandrinum* the battle was a crowning mercy vouchsafed by gods who intervene most at those crises of war where skill could not decide the issue. Caesar himself summed up this five days' campaign in the famous inscription carried in his triumph—*veni*, *vidi*, *vici*. Pharnaces, the dupe of his ambition, his superstitions and his cunning, found in the Bosporus a rebel governor Asander, who treated him as he had treated his father. The kingdom left vacant by his death was granted by Caesar to Mithridates of Pergamum, but the short day of that adventurer's brilliance was soon ended, for in the attempt to establish himself in possession of his new kingdom he was defeated and killed.

Mithridates, furthermore, had a claim which Caesar after Zela satisfied at the expense of Deiotarus. A few years before, that aged intriguer had succeeded in seizing Eastern Galatia, which had belonged to Brogitarus his son-in-law, a friend of Clodius. The Senate had acquiesced in this to the exclusion of Mithridates, the sister's son of Brogitarus, who according to Galatian practice had a claim to succeed. Deiotarus, realizing his danger now that Mithridates had earned Caesar's gratitude, had been diligent in his protestations before Zela and, after all, his troops had shared Caesar's victory as well as Domitius' defeat. But though he was confirmed in his royal title and apparently allowed to retain territory in Central Galatia recently acquired by the killing of another son-in-law Castor, he was compelled to cede Eastern Galatia to Mithridates and to surrender his claim to Lesser Armenia to Ariobarzanes of Cappadocia. If we may trust the son of Castor and discount the advocacy of Cicero, he ventured to meditate the murder of Caesar[1]. It is idle to debate the probability of a charge which does no injustice to Deiotarus' character, but which would be readily invented for that very reason. If the plot was made, it failed. Caesar left Domitius to complete the details of the settlement, entrusting the Thirty-Sixth and Pontic legions to a *legatus*, Caelius Vinicianus, and hastily collected fines and presents to replenish his war-chest, until, about the end of June, he embarked at last for Italy[2].

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[1] Cicero, *pro rege Deiotaro*, 5, 15 *sqq*.

[2] He may have intended to go direct from Greece to Sicily for the African campaign and have been deflected to Rome by news of the dangerous feeling of the army. Cicero, *ad Att*. xi, 20, 2.

VIII. THE CAMPAIGN IN AFRICA

By the middle of July Caesar reached Italy and Rome. Civil disorders disappeared, but the mutiny among the legions in Campania had become dangerous. Sallust, sent with promises of 1000 drachmae a head, was answered by volleys of stones and barely escaped with his life. The troops marched on Rome and bivouacked in the Campus Martius demanding their rewards or their discharge. But the sudden appearance of Caesar before them, the old habit of discipline, an appeal veiled in apparent acquiescence and promises, the threat that they should not share Caesar's triumph and the final allocution as 'citizens' brought them to repentance. Eleven years before Caesar had faced discontent by the avowal that he would march against Ariovistus with the Tenth legion only; now he offered to retain all but the Tenth as his soldiers. At last even that legion was restored to his service but not to his real forgiveness. It was to lead the charge at Thapsus and sustain the day at Munda and only then did a remnant of it at last receive its discharge and grants of land not in Italy but in Cisalpine Gaul. The legions were ordered to prepare for the campaign in Africa and as occasion served the ringleaders were quietly removed.

For Antony who had failed to keep order and Dolabella who had troubled it, Caesar had forgiveness but not favour to bestow. They were compelled to pay the sums they had bid for the confiscated estates of Pompeians and it was over a year before Antony regained Caesar's confidence. Yet the troubles about debts which had caused the disorders were not wholly without ground; and a remission of rents for one year up to 500 denarii at Rome and 125 denarii in the rest of Italy[1] and of interest which had accrued since the outbreak of the war or since the beginning of 48 B.C. was granted. This, together with the effect of his previous edict (p. 655), alleviated the crisis, and at the same time, by Caesar's refusal to go farther, helped to secure the goodwill of those who had had money to lend. While prominent Pompeians received pardon in return for submission, prominent Caesarians received all the rewards which the Republic could offer. Calenus and Vatinius were elected consuls for what remained of the year 47, two additional praetors were chosen for the next year and the colleges of pontifices, augurs and *Quindecimviri sacris faciundis* each received an additional member. The Senate was far below strength as a result of the war (see below, p. 730 *sq.*) and new senators were appointed from *equites* and even centurions who had served Caesar well. Reforms had to wait till the formidable forces in Africa were crushed, and Caesar, who still retained the dictatorship and had been elected consul for 46, took the field once more at the end of September.

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[1] Suetonius, *Div. Iul.* 38; *Fasti Ostienses* (*C.I.L.* XIV, *Suppl.* 4531); Cicero, *de off.* II, 23, 83; Dio XLII, 51, 1.

The danger from Africa had become serious. In the summer of 49 Curio had met with disaster (p. 653). All that Caesar could do at the moment was to have Juba declared a public enemy and to have Bogud and Bocchus, the two kings of Mauretania in the west, recognized as friends and allies of the Roman People. Allied with Juba was Masinissa, who ruled over the part of Numidia which lay between Juba's kingdom and Mauretania. The Roman province of Africa remained in the control of Varus, and both he and Juba were diligent in preparing to defend themselves. In particular the Numidian had part of his native soldiery trained in the Roman fashion and formed into four legions. In the spring of 48 Caesar sent orders to Q. Cassius, his general in Spain, to invade Africa. Cassius began to collect a fleet and was about to set out with four legions when part of his army mutinied and the expedition came to nothing. Indeed Cassius was compelled to call on King Bogud for help in Spain, and at no time during the next three years was there a Caesarian army in Spain sufficiently strong and secure in its hold on the country to detach a force to Africa.

In the autumn of the year 48 came fugitives from Pharsalus and remnants of Pompey's forces, Cato with fifteen cohorts from Dyrrhachium, Labienus with Gallic and German cavalry, Afranius and Petreius, Faustus Sulla, Sextus and Cnaeus, sons of Pompey, and the consular, Q. Caecilius Metellus Pius Scipio, a constellation of names and reputations. The disinterested commonsense which distinguished Cato in the whole war enabled him to secure for Scipio as consular and *imperator* authority over Varus and his own companions in misfortune and perhaps taught Scipio not to neglect the talents of Labienus, the bourgeois renegade. For there are good grounds to suppose that, in the campaign which followed, the skill which so long foiled Caesar and twice brought him within an ace of defeat was the skill of Labienus. The defeat of Curio had shown what Numidian fighting could achieve in Africa, Labienus had always practised the use of cavalry, and with the unconventional resourcefulness in which he rivalled Caesar and surpassed Pompey, he now set himself to perfect combined tactics with his heavy cavalry, Numidian horse and light infantry.

There remained King Juba, *homo superbissimus ineptissimusque.*

Faithful perforce, he made fidelity his sole virtue. From Saburra's victory with cavalry and light-armed troops over legionaries, he had learnt to train Numidians as legionaries and to believe himself a conqueror. His arrogance and the cruelty with which he inspired terror instead of confidence, went far to neutralize the value of his assistance. His forces indeed were considerable. His household troops were a corps of Gallic and Spanish cavalry, his Numidian horse and foot may have amounted to 30,000 men, and he boasted the possession of rather more than sixty elephants. In the end, these animals were to prove a disastrous possession, but in the early stages of the campaign Caesar had to treat them with respect. Masinissa, the ally of Juba, was also not negligible in the field. Even more formidable were the forces which the Pompeians had collected by the end of the year 47—ten legions (perhaps 35,000 men), light-armed troops, archers, javelin men and slingers, and nearly 15,000 cavalry of all kinds. The infantry was in part of good quality; even without Juba's help the cavalry greatly outnumbered any mounted troops that Caesar could hope to raise and transport to Africa.

The invasion of Africa had thus become an enterprise which demanded the attention of Caesar himself and his veterans. It was not a task for recruits only; but the use of the veteran legions who had already shown their desire for triumph and discharge, meant a speedy beginning. Nor was delay Caesar's habit, and, so far as personal feelings affected his calculations, he must have been eager to take revenge for his friend Curio. The Pompeians had collected a fair-sized fleet, some fifty or sixty ships of war, and Caesar had not the means or the time to secure to himself the decisive superiority by sea. Nor had he the transports to bring across from Sicily, his advanced base, the whole of his army. He designed to use ten legions in all, five of them veteran reinforced by drafts, five of them recruits, some 2500 men who had been left behind as invalids when he crossed to fight Pompey, something less than 4000 cavalry, perhaps 3000 light-armed troops whom he reinforced from the crews of his fleet. These forces were none too large, and it was to be three months from the opening of the campaign before they were all concentrated in Africa. In Africa itself Caesar could look for some help. The kings of Mauretania could be trusted to attack their eastern neighbours Masinissa and Juba at the right moment, and draw off perhaps half their strength. One ally more there was, an adventurer from Nuceria in Campania, P. Sittius, who had left a Rome full of creditors to mend his fortunes in Spain and then, for nearly twenty years, to serve the princes of Mauretania with a private army and tiny fleet of his own. Caesar's necessity was to be his opportunity, and he seized it with both hands. Finally, there was the effect on the communities of Africa of the harsh tactlessness of Scipio, the fear of the barbarian Juba, and the prestige of Caesar's victories, which lured over deserters even when his prospects seemed darkest.

The Pompeians could not be taken by surprise; they had garrisoned most of the seaports, strengthened many of the towns and accumulated vast stores of provisions. As early as January 47 Cicero believed in their strength and preparedness[1]. The need for haste meant that the enemy's convoys must cross amid the storms of the late autumn and winter. But Caesar had, before now, trusted the chances of the sea and the caution of his opponents. On 8 October he sailed from Lilybaeum with the troops then available, six legions and seven cohorts, 2600 cavalry[2], and a small force of light-armed troops. Of these legions one only, the Fifth, was veteran; the great adventure began without the most famous of his soldiers, the Ninth, the Thirteenth, the Fourteenth and the Tenth. His objective, known to himself alone, was probably Hadrumetum[3], where he arrived after coasting south from Cape Bon, but with only a small part of his ships. The remainder were scattered by a storm and were seeking safety and their secretive general. With only 3000 infantry and 150 cavalry under his hand he could not hope to take Hadrumetum, which was held in force, and he moved on to Leptis some seven miles to the south. The city went over to him and gave him a harbour, where indeed there arrived at once galleys and transports which increased his infantry to some 5000 men. Leaving six cohorts in Leptis, he decided to occupy the plateau near Ruspina some four miles to the north. Rabirius Postumus was dispatched to Sicily to hasten the embarkation of the rest of the army and the historian Sallust to raid the island of Cercina where the enemy had deposited stores of corn.

Of the campaign which followed there has survived, in the *Bellum Africum*, a plain tale. The writer, a trained soldier but not in Caesar's immediate confidence, has written an account in straightforward Latin which is what presumably it was meant to be, excellent raw material of history. The defects are few compared with those of most ancient accounts of warfare. Events are dated and distances are given: it is not the writer's fault that the manuscript tradition has dealt hardly with them. This fact, however, and a certain parsimony in the points of the compass have caused some topographical perplexities which no research can wholly resolve[1]. Here and there, as in the description of the battle of Thapsus itself, the writer has been content to limit his account to the events at which he was present. Far more important than any defects of detail is the merit of its sobriety which enhances the picture of the greatness of Caesar, the faith which he inspired in his men, his unfailing resource and courage, the peculiar blend of aristocrat and democrat which made him the greatest soldiers' general of history. Granted the final result, the details of the campaign have little importance for general history and will not here be set out at length.

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[1] Cicero, *ad Att.* XI, 10, 2.

[2] Rice Holmes, *op. cit.* III, p. 534.

[3] Gsell, *op. cit.* VIII, p. 61. Clupea and the coast near Utica was strongly held by the enemy.

The distribution of the enemy forces was as follows. Cato was in command at Utica where his firmness and fair dealing held in check the Caesarian sympathies of the city. Here, too, was General Headquarters with Scipio at the head of eight legions and most of the cavalry. Considius at Hadrumetum had two legions; the remaining Pompeian forces were in garrison; Juba was still in Numidia. It was all-important to crush Caesar's advance guard, and on the news of his landing Labienus set out with cavalry and light infantry from Utica, closely followed by other forces of the same type under Petreius and Calpurnius Piso. From the north came Scipio, from the west Juba. Caesar was half surprised and almost defeated by Labienus and Petreius as he sought to collect provisions. A brilliantly bold manœuvre in which his alternate cohorts faced about so as to attack simultaneously on both fronts saved him. Then came three weeks of waiting behind fortified lines while Caesar on the plateau of Ruspina trained his recruits and was slowly strengthened by the arrival of ships from his first convoy. Juba had been compelled to return to Numidia by the timely intervention of Bocchus of Mauretania and Sittius, but he left behind him some cavalry and thirty elephants. Even without his help, Scipio was too strong for Caesar to venture on an offensive. At last the second part of the expedition arrived bringing the Thirteenth and Fourteenth legions, 800 cavalry and 1000 archers and slingers.

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[1] All previous studies of these problems are superseded by the masterly discussion of them by Veith in *Antike Schlachtfelder*, III (to which should be added *ib.* IV, pp. 647 *sqq.* and *Schlachten-Atlas*, Röm. Abt. III, 4, Bl. 22 and text). Even Dr Rice Holmes *op. cit.* and M. Gsell have been able to add little. The few points of topography in which this account differs from the evidence of Veith will be seen by a comparison of Map 16 with *Schlachten-Atlas*.

With their arrival the initiative passed to Caesar. He had now concentrated eight legions, three of them veteran, and might hope for victory in a pitched battle if the enemy had no advantage in position, and if a battle could be brought about before Juba returned to reinforce Scipio. Furthermore the *place d'armes* at Ruspina was not easily provisioned and Caesar's horses had begun to suffer from lack of fresh fodder, like those of Pompey at Dyrrhachium. Accordingly on the night of 7 November Caesar moved out and posted himself on a group of low hills six or seven miles to the south. This movement extended the area from which he could draw supplies but it failed of its main purpose. Scipio encamped so as to be able to use the town of Uzita to strengthen his position, and could not be brought to offer battle except at an advantage. Juba left Saburra to make head against Sittius and joined Scipio, even though his pride compelled him to keep his forces in a separate camp. It is alleged by Dio[1] that he was promised the Roman possessions in Africa as the price of his help. Such a promise was of little value, but it would not be made except in straits worse than those in which Scipio found himself. Caesar, now further reinforced by the arrival of the Ninth and Tenth legions, sought to force on a battle by extending his lines so as to threaten Uzita, but again he was foiled by the skilful use of the terrain by his opponents. Labienus was indefatigable in hampering the collection of supplies, and despite a success against him Caesar once more decided to move his ground. Varus with a fleet of fifty-five ships had attempted to dominate the coast from Hadrumetum, whereupon Caesar, turning admiral, had hunted him home again. He might now leave Acholla, Ruspina and Leptis to the protection of garrisons and of his ships, and himself march farther south, where in a war of manœuvre he might again try to bring on a decisive battle. His troops, in particular the Fifth legion, had been carefully trained in anti-elephant warfare at the expense of beasts brought from Italy.

The campaign now enters its third phase. Ten weeks after leaving Ruspina[2], Caesar set fire to his camp and marched to a place called Aggar, which lies about twenty miles south south-east from Uzita. In this region he might hope to entice the enemy to a general engagement or force them to fight to cover some town which held supplies. But Scipio would not gratify him. What with spies, deserters and cavalry vedettes, both sides received as much intelligence as was good for them. A sudden stroke at the town of Zeta was countered by an attack on Caesar's legions as they marched wearily home again and a second time the tactics of Labienus nearly triumphed. Caesar then moved on Sarsura, where he massacred the Numidian garrison and seized the supplies of wheat collected in it. Rather more than ten miles to the south lay a greater prize, Thysdrus, where the concentration of 300,000 modii (75,000 bushels) of corn was reported. But Caesar found the town strongly held by Roman troops and hard to besiege from lack of water in the neighbourhood. There was nothing for it but to return to Aggar. Four months of warfare had yielded no decisive advantage. A few towns offered their services to Caesar but each offer contained the request for a garrison, and there were few troops to spare. To one place, Vaga, help was sent too late and Juba had massacred the inhabitants. Now came envoys from Thabaena fifty miles south along the coast. The inhabitants had begun by killing the royal garrison and this *fait accompli* forced Caesar's hand, so that he sent three cohorts, archers and war machines to protect them.

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[1] XLIII, 4, 6.

[2] 26 Jan. to about 15 March by the uncorrected calendar. There is to be reckoned in an intercalary month of 23 days.

Drafts amounting to 4000 legionaries, 400 cavalry and 1000 archers and slingers had arrived from Sicily. It was the moment to strike a decisive blow. Hitherto strategical prudence and tactical resource had baffled Caesar's skill. Only in a pitched battle on equal ground with a limited front could the fighting power of his infantry overcome the superior numbers of the enemy and neutralize the effect of their cavalry. To bring about this battle needed a dangerous master-stroke, and Caesar's daring and genius rose to the emergency. Fifteen miles to the north of him lay Thapsus, on the sea, approached by the necks of land either side of a wide lagoon. The city was in sympathy hostile to Caesar and was held by a strong garrison. By a night march Caesar reached the eastern of the two isthmuses, organized a line of defence near the southern end of it and advanced on the city. What was Scipio now to do? He might stay where he was—like Dogberry. He might advance to his previous position near Uzita and thus circumscribe the area of Caesar's supplies in the hope that they would give out before the city fell. He might move his whole army as near as he could to the city and thus hamper the siege. The first course would destroy his prestige, the second and third might save Thapsus but would leave Caesar free to march away. For that he would offer battle at a disadvantage was not to be hoped. There remained one other strategy: to pen in Caesar by holding the two necks of land until he starved. This promised victory, but it meant a division of forces which was dangerous. However, if all went well, the skill of legionaries in field fortification might neutralize the danger. For the prize the risk was worth taking. Scipio marched to the eastern isthmus and was held up by Caesar's line of defence. He thereupon halted and leaving the consular Afranius and Juba to block that way, he made a night march with the greater part of his own army round the western side of the lagoon and at dawn he was no more than a mile from his opponent, who had moved to the west side of the city (6 February).

This was the moment for which Caesar had looked so long. His enemy lay with the sea on one flank, the lagoon on the other, too near to retreat to safety. The temptation to advance to the narrowest part of the isthmus had been too strong for Scipio to resist, or he had forgotten that Caesar might have divined his movements. Leaving two legions to secure him against a sortie from the city, Caesar advanced with the remainder, sending his ships on ahead to demonstrate at the right moment against Scipio's rear. The main body of the enemy army was drawn up to cover the work of entrenching, the elephants on the wings, the legions in the centre. Caesar had four of his veteran legions in line and the Fifth with light-armed troops divided so as to deal with the elephants. Their special training was not to be wasted. On the left his advance had been through marshy ground and Caesar waited for that wing to come into alignment before he gave the signal for attack[1]. As each corps came into line he addressed it—in what terms of confident triumph may be imagined.

There was time to spare: the enemy could not disengage themselves and the blow would be heaviest if it fell all along the line. But the fighting spirit of his veterans was impatient. Their general had given them a battle, and they would wait no longer for the perfection of his art. On the right, where the Tenth legion stood, a trumpet sounded the charge and the line moved forward sweeping with it the centurions as they struggled to hold back their men. Caesar mounted and led the charge. The elephants on the enemy left crushed their way back towards their own camp; the Fifth legion dealt with the remainder. With the left wing broken, the army of Scipio was soon swept away in flight. While part of his troops kept up the pursuit Caesar, apparently with the remainder, marched past the city along the eastern isthmus and appeared before the camp of Afranius and Juba. The consular and the king had already fled at the news of Scipio's defeat. Caesar had now headed off part of the fugitives from the battle who had streamed back along the route on which they had marched the night before. They gathered on a hill, laid down their arms and asked for quarter. But Caesar's troops, exasperated by weeks of fruitless marching and fighting, were in no mood for the decencies of warfare. Despite the efforts of their general and his officers they killed their helpless enemies to the last man.

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[1] See Veith, *Antike Schlachtfelder*, III, p. 841, IV, p. 653.

The strategy by which Caesar had brought off the battle of Thapsus was his crowning masterpiece. The campaign was over; in three weeks all Roman Africa was in his hands. In Numidia Sittius had defeated Juba's general Saburra. The king himself with Petreius had reached his capital Zama. Before he marched he had prepared a vast pyre on which, if he was defeated, he proposed to immolate his wealth, his subjects, his family and himself. In this high act the people of Zama were unwilling to play their part and closed the gates against him. He and Petreius decided to die: one killed the other and then himself. Masinissa vanished from the scene, and his son Arabion escaped to Spain. The greater part of the kingdom of Juba was annexed to make a province of Africa Nova, while the western dominions of Masinissa were given to Bocchus, the eastern to Sittius, who added to them a strip of territory that had belonged to Juba.

Gnaeus Pompeius, after failing to gain a footing in Mauretania, had long ago established himself in the Balearic Islands whence, about this time, he moved to Spain, and his brother Sextus, Labienus and Attius Varus escaped to join him. Afranius and Faustus Sulla fell into the hands of Sittius who brought them to Caesar. Whether at his order or not they were put to death. Scipio attempting flight by sea fell in with the fleet of Sittius and stabbed himself. As the enemy sailors hunted for him on his ship, they found him dying and asked him where was the *imperator*. His answer was—*imperator bene se habet*. His generalship may have been borrowed from Labienus, his faults and his courage were his own. There remained Cato in Utica. He strove first to make good the defence of the city while there was any hope, and then to save the inhabitants from the cruelty of the desperate fugitives from the battle. By 10 February the cavalry of Caesar's advance guard were within two days' march of Utica and all was lost. Then with the calm of a Stoic and a Roman noble Cato took his life.

The death of Cato was justly regarded as the end of the Civil War, so far as that was a conflict in arms between Caesar and the traditions of the Republican constitution. However little Cato's abilities and opinions matched the needs of Rome, he stood alone among his generation in devotion to a cause and an ideal without any thought for his own advancement. In the war itself he had shown not only courage and capacity but a rare willingness to subordinate himself loyally even to Pompey, whom he must have distrusted. The Republic had come to need great men and had to pay them their price, which Cato would never have paid. The gods were right in preferring the winning cause, but Cato did not die in vain. The idea of the Republic was kept alive by the death of a martyr. Vastly superior as Caesar was to Cato in intellectual power and breadth of vision, he saw in him a man before whom his genius was rebuked, as was Macbeth's by Banquo; and knowing that Cato was more dangerous dead than living, he pursued him, alone of his opponents, with rancour and calumny until he himself perished, the victim of the ideas for which Cato had died.

There remained Caesar's triumph for which his legions had fought so many years. It was to eclipse the memory of Pompey and to show Caesar not as the victor in a civil war but as the man who had defended and advanced the frontiers of the Empire. On four several days, for Gaul, for Egypt, for Pontus and for Africa, the procession passed on its way to the Capitol, with senators and magistrates, trumpeters, spoils and pictures, prisoners, Arsinoe, a princess of Egypt, Juba, a prince of Numidia, and Vercingetorix, who was to be led away to be strangled, for Caesar had for a barbarian who had been dangerous no more mercy than any other Roman of his day. After the prisoners came Caesar himself, and then the legions, those incomparable veterans, singing ribald songs about their baldheaded general. A train of waggons, laden with gold and golden crowns, carried their reward, for every legionary five thousand denarii, for every centurion ten thousand. Even after these bounties were distributed and after each of the spectators had received a hundred denarii, there remained a great treasure[1]. When the last day was over, Rome abandoned itself to a feast at twenty-two thousand tables; the dictator was escorted to his house with elephants carrying linkmen on either side. His daughter, Pompey's wife, at last received commemoration in shows of plays, a mimic naval action, a battle between prisoners of war and criminals, a hunt of four hundred lions and of giraffes. A Basilica Julia and a Forum Julium, both of which Augustus was to complete, were solemnly dedicated and with them a temple of Venus Genetrix. During the triumph

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[1] The plentiful *aurei*, each of the value of 25 denarii, which were issued in this year, attest the distribution of these donatives. See Volume of Plates, IV, 12 *d*.

Caesar's chariot had broken down before Lucullus' temple of Fortune, and his 'old grumblers' had rioted because there was lavished on shows money that might have been given to them. Caesar himself seized a ringleader and had him led to execution. If Dio is to be trusted, two others were solemnly sacrificed in the Campus by the priest of Mars. In accordance with custom, Caesar had ascended the steps of Juppiter's Temple on his knees each day of his triumph to lay his laurels on the altar of the god. The awnings which protected the people were of the silk which had begun to come from the East to be the standard luxury of Rome under the Empire. In such a setting of the old and the new, of open triumph and inward resentment, the Civil War ended.

CHAPTER XVII

CAESAR'S DICTATORSHIP

I. CAESAR AND CICERO

ALTHOUGH Caesar's triumph was to mark his services to the State, pictures were carried showing the deaths of Scipio, Petreius and Cato, to point the moral that Caesar's enemies had fought for an enemy of Rome. No mention was made of Pompey or Spain or of Pharsalus, just as Pompey refused the antecedents of a triumph after his success before Dyrrhachium. But to the old governing class at Rome there was a distinction. Although the Optimates, preferring King Log to King Stork, had fought with Pompey, they did not wholly forget that in one aspect the Civil War was between two great military chiefs both of whom had made their name in defiance of the traditions of the Republic. To them the men who fought in Africa stood more clearly for the good cause than Pompey had done. The harassing doubts which filled Cicero's letters to Atticus in the early months of 49 were not merely native vacillation and the desire for *otium cum dignitate*: they were in part due to the realization that the victory of Pompey might mean proscriptions and a time like that of the *Sullanum regnum*[1].

Cicero decided that he ought to be grateful to Pompey and in the end followed his fortunes till Pharsalus. He then saw that there was a choice, between the acceptance of defeat in the hope that Caesar would take the fruits of his victory and then leave the Republic intact, and the renewal of war in Africa in the hope not so much of victory as of forcing Caesar to a compromise. Caesar's year in Egypt and Asia Minor made an opening for the second alternative[2] so that the growing power of his enemies in Africa prevented the general submission which he might have achieved had he returned to Italy in 48. Moreover, the uncertainties and disorders during Caesar's absence prevented the realization of peace and economic stability and enhanced the doubts of Caesar's intentions which throughout his career had hampered him. When he did appear in the summer of 47 he had no time to do much more than prepare for the African campaign, and the respectability of his opponents imposed on him the character of a revolutionary. But when he returned after Thapsus there was the chance of some kind of a reconciliation.

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[1] *ad Att.* ix, 7, 3; 10, 2; 10, 6; 11, 3; x, 7; xi, 6, 2; 6, 6; cf. *ad fam.* iv, 9, 3; v, 21, 3; vii, 3, 2.

[2] *ad fam.* xv, 15, 2.

In 49 Caesar's clemency had been doubted; by 47 no sane man could doubt it any longer. Cicero realized that the troubles of the State were not all Caesar's fault: the danger was that he would be the prisoner of his victory and be obliged to give way to the group of adventurers who had helped him[1]. As early as March 48 Caelius had written to Cicero of his dislike for Caesar's followers[2]. Caesar himself had realized the desirability of working with the Senate during a time when it was not yet flooded by his adherents, that is if we may suppose that Antony during the year after Pharsalus acted in the general spirit of instructions from his leader. Cicero was inclined to abandon himself wholly to letters, but he felt it his duty to miss no opportunity of assisting a reconciliation which would mean the end of Caesar's autocracy[3]. It was impossible for the ordinary Roman of the governing class to accept the abstinence or exclusion of the members of the *nobilitas*, who through the Senate had come to mean Rome more definitely than the Populus Romanus itself. It is true that Cicero's own writings betray a consciousness that the Republic, if it meant simply free play for the rival ambitions of the nobles, was outworn: he had hoped for a closing of the ranks, including the bringing in of the Equites and a general effort for government by consent between the governors. This was the Concordia Ordinum, and it had failed. The State needed a great servant who, without replacing the traditional government by the Senate, would keep it steady to its task.

In the *de Re publica* he may have thought that this could be done by persuasion by such a statesman as he believed himself to be, but the Civil War had shown that arms went over political wisdom. He may have hoped (though his letters give no hint of it) that Pompey with the prestige of his victories would be this servant of the State if Caesar was defeated. Now he saw clearly how great Caesar's dominance had become, and he must have realized that Caesar was not the man to resume his place as one among a ruling aristocracy. His hope, then, was that Caesar would be induced to content himself with the position, not of an abdicated Sulla but of the armed protector of a free Republic. Caesar's control of the armies of the State would at least prevent the ambitions of others from taking that turn, and he might be willing to 'restore the Republic' in this sense, and then satisfy himself by warfare in the East as Pompey had done. The symptoms would be a readiness to employ the *nobiles*, to win them to employment by further pardons and to carry through needed reforms at once. In September 46 Cicero believed that he descried these signs of hope. He engaged in correspondence with those who were not reconciled to Caesar or who feared him. When Caesar was moved by the entreaties of the Senate to grant safe return to M. Marcellus, one of the bitterest and most intransigent of his opponents, Cicero delivered a splendid speech. It is addressed both to the aristocracy and to Caesar. The Optimates are not to sacrifice their self-respect. The conflict had been a great visitation; and the accounts of right and wrong were closed. Caesar's way of victory had taken the sting from defeat. Caesar had a great task of social reform: he had to heal the wounds of the State; and beyond that he had a great duty—to give stability to the State. It is not an invitation to live to be an autocrat, but to restore the Republic first to health and then to activity under his protection.

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[1] *ad fam.* IV, 9, 3.

[2] *Ib.* VIII, 17, 2.

[3] *Ib.* VII, 33, 2.

Cicero was not alone in urging upon Caesar a programme of social and economic reform. To the same year belongs a pamphlet which is possibly the work of the historian Sallust, who had been employed by Caesar in Illyricum in 49 and was appointed to govern Africa after Thapsus. The writer seeks to show that the less reputable followers of Caesar had left him, adjures him to be deaf to those of the remainder who urge him to be as cruel as his enemies would have been, and to establish harmony in the State. He points out the uselessness of the attempt to set up again old standards of conduct by forbidding people to spend beyond their incomes. He sees the root of all evil in the worship of wealth. There are a few definite proposals: the equalization of military service, the extension of *frumentationes* to municipia and colonies for the benefit of time-expired soldiers. Small as is the value of the pamphlet as evidence of the wisdom of its author, and little as it befits the character of Sallust—if it is indeed his work—it is an indication that among Caesar's followers there were those who advocated reforms or, at the least, believed that such advocacy would be welcome to him.

But Caesar was not the man to be guided by pamphlets or even by Cicero's political philosophy. Cicero was a man of the city, trained in the practice of Roman domestic politics, the theory of the Greek city-state and of the ancient tradition of the Republic. For a year he had governed Cilicia with a care for the provincials which deserves far more credit than his complacency makes it easy to give. But for him government meant government guided by speeches in the Curia. For nine years Caesar had conquered Gaul with the autocracy of an *imperator* in the field, and for nearly four years he had won victories while his lieutenants suffered reverses. Such a man, conscious that there was much to do and little time to do it in, was not likely to content himself with playing protector to lesser men or to see others fumble where his own sure hand could guide the event. In the sphere of thought or letters he knew Cicero for at least his equal, but in the world of action he knew that he stood alone. He was not a fatalist nor a theorist. The fatalism which led Sulla to abdicate, the waiting on events which hampered Pompey's statesmanship, the illusions which beset Cicero's judgment of situations if not of men, the inflexible Stoic ideals which made Cato a citizen of Plato's Republic not of 'the dregs of Romulus' found no echo in his positive active spirit. The ancient tradition that Rome was greater than Rome's greatest man meant nothing in such a Rome to such a man. Men and fortune, the only things that existed for his philosophy and his adventurous spirit, had so far yielded to his genius; and his genius would dominate them still or fall greatly. Against both his armour had been not longdrawn calculation but the swift unerring exploitation of the moment, the realization of the probable immediate consequence. He had become what Cicero had once ruefully called him, 'a portent of incredible speed, application and insight.'

As the year 46 ended it became clear that he was in no hurry to 'reconstitute the Republic.' He was consul and dictator. No elections had been held for the ordinary magistracies for 45, and now he set out for Spain, leaving Rome and Italy to be governed in his absence by Lepidus, his colleague as consul and his *magister equitum*, and by eight *praefecti*, who enjoyed praetorian rank. The wishes of the dictator were known during his absence mainly from the unofficial pronouncements of his confidants Oppius and Balbus, with whom he corresponded in a simple cypher. Envoys from foreign States waited for Caesar's return, and while the day to day administration could be carried on, no policy could be initiated, and apparently, as during his absence at Alexandria, it was not possible to hold elections or to pass laws.

Nothing made Caesar's autocracy more apparent and more galling than the paralysis induced by his absence. Cicero's letters show a rapid change of feeling. This is partly due to misery because of the death of his daughter but partly to political disillusion-ment. He recognized that it would be disastrous to see the young Pompey victorious, to exchange a gentle old master for a savage new one. But it was already known that Caesar's victory in Spain would only be the prelude to a war in the East. A message was transmitted to Cicero that the dictator meditated 'reconstituting the Republic,' before he launched this great adventure, and the orator prepared to send to Caesar such political advice as, he thought, Aristotle or Theopompus might have addressed to Alexander. But it was soon made clear to him that Caesar would not welcome counsels that did not echo his true intentions[1]. Nor was even Caesar's clemency without an exception. Laudations of Cato drew from him a pamphlet in which he sought to blacken the memory of the man who, secure in his grave at Thapsus, seemed to embody the ideals of the Republic. When Caesar returned from Spain in September 45 to celebrate a triumph over the sons of Pompey it was soon apparent that the day for the adaptation of his power to the practice, if not the forms, of the Republic was past.

II. CAESAR'S LEGISLATION

The hope that Caesar would stand aside was vain. On the other hand he needed no exhortation from Cicero to take in hand the remedying of abuses, and the improvement of public efficiency.

The legislation for which Caesar was responsible down to his return from Africa, whether by edict, instructions to praetors, laws passed in his own name or under the name of others, was either the implementing of an old programme or the meeting of a financial emergency. The Transpadane Gauls and any non-citizens in the Cispadane area had been granted the full franchise which Crassus and Caesar had intended they should have twenty years before (p. 481). It was the completion of the work of the Social War justified by the Romanization of that region. The restoration of political exiles was an old feature in Caesar's policy, though the need of attracting adherents extended it to characters who had been justly punished, even when justice was not in the minds of their judges. The measures about debt and house-rents were a mitigation of the effects of the Civil War and of the uncertainty that immediately preceded it. The legislation which followed Thapsus was in the main the rapid removal of existing abuses or inconveniences. Caesar had a keen eye for abuses and a quick hand in removing them. We may suppose that during his brief stay in Rome in 47 he laid down the general lines of legislation which were filled in by the activities of his agents and helpers at Rome. Even so, all admiration is due to the speed of his reforming activity.

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[1] *ad. Att.* XII, 40, 2, 51, 2; XIII, 26, 2, 27, 1, 28, 2–3, 31, 3. Cf. Ed. Meyer, *Caesars Monarchie*, 2nd ed., pp. 438 *sqq*.

Between the solar year which had been calculated by Alexandrian astronomers and the Roman calendar year of 355 days there was a hiatus of 10¼ days which was from time to time closed by the intercalation of a month at the discretion of the *pontifices*. But their discretion was governed by all manner of motives and its application or neglect alike caused inconvenience. Nothing more strikingly attests the Romans' tolerance of traditional abuses than the fact that since 52 B.C. there had been only one intercalation, and that the calendar was still two months in advance of the seasons. The blame for this must rest mainly on Caesar as Pontifex Maximus. Now he was also dictator, and he added two months, amounting to 67 days, between the last day of November and the first day of December. This, together with an intercalation earlier in the year, caused the kalends of January 709 A.U.C. to coincide with the 1st of January in the solar year which we call 45 B.C.[1] The ten additional days were distributed over the months, and the quarter of a day was provided for by the intercalation of a day every four years after the 23rd of February[2]. In the addition of the days care was taken to avoid disturbing the incidence of Roman festivals. Thus was constructed the Julian year which apart from a slight correction made in the Middle Ages has ruled Europe from Caesar's day to this.

Less admirable was Caesar's activity in the restraint of luxury and ostentation. The reckless profusion of his triumph did not seem to Romans inconsistent with the attempt to impose a check on private extravagance; and Greek and Roman alike, Sulla no less than Plato, believed that sumptuary laws were both enforceable and worth enforcing. To this illusion Caesar fell a ready victim. The wearing of pearls and purple, the riding in litters, the cost of sepulchral monuments, the sale of various comestibles were subjected to regulation or prohibition. Lictors and soldiers were

[1] Mommsen's view (*Staatsrecht*^{3}, I, p. 600), that it was Caesar who finally made the calendar year begin on Jan. 1 (thus agreeing with the consular year) is definitely disproved by the fragments of the pre-Caesarian Calendar of Antium (published by G. Mancini in *Notizie dei Scavi*, 1921, pp. 73 *sqq.*).

[2] Possibly because of a misunderstanding of the phrase 'quarto quoque anno,' there were three too many intercalations in the first 36 years of the new system. This was put right by Augustus, who omitted the intercalations of 5 and 1 B.C. and A.D. 4.

active in guarding markets and invading dining rooms, until Caesar went off to Spain and Roman society returned to practices which public sentiment did not condemn. Of more practical advantage to the State were measures aimed at securing public order in Rome and Italy. The existing law against the promotion of violence was strengthened by the introduction of the penalty of outlawry[1], and the *collegia*, which since the tribunate of Clodius had been the instruments of factious violence, were abolished with the exception of those which were of ancient origin and of those of the Jews who enjoyed Caesar's favour for their services and whose associations had presumably no political complexion. More efficacious for the time being was the readiness to use troops to reinforce the lictors, the only civil police force known to the Roman State. Finally, as will be seen later, Caesar took steps to reduce the ill-occupied rabble that filled the city.

In Italy, especially in the south, there were bands of rough herdsmen on the great estates from among whom Pompey had raised troops of cavalry and Milo had sought to collect insurgents during the troubles of 48 B.C. Where such bands were slaves they might be encouraged to rise in rebellion either for or against their masters. On the other hand, it was not possible to destroy the only practicable method of ranching without striking at private property in a way which Caesar was careful to avoid. As a palliative of this possible evil he passed a law that one-third at least of these shepherds and herdsmen should be recruited from among men of free birth. For such a measure there was precedent in earlier legislation, and the law had the further advantage that the provision of employment for free citizens could not but benefit both society and the State. From such hardy rustics legions could be raised, and, if Caesar contemplated the disbandment of the over-numerous soldiers who had not as yet earned land allotments, it was important that they should find a means of livelihood. The re-imposition of the customs duties which had been abolished in 60 B.C. may have had some slight effect in encouraging Italian industries, but it is not probable that they were intended for this purpose, for they were small and levied also on exports.

There is one other measure attributed to Caesar which is not alien to the spirit of his legislation. In the legislation of his first consulship in 59 B.C. he gave a precedence among civilian settlers to men who were the fathers of three or more children (p. 517). Though there were good practical reasons for this, apart from the desire to see a prolific citizen population, he may have detected the danger of a falling Italian birthrate. Now, in his dictatorship, if we may trust Dio[1], he offered privileges to the fathers of large families. But his action is described as consequent on a general census which it is certain that he did not carry out, and it appears not improbable that either Dio or some authority which he is using has credited Caesar with what is an anticipation of the lawgiving of Augustus[2].

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[1] Cicero, *Phil.* I, 9, 23.

In the sphere of criminal law Caesar carried farther the work of Sulla. The sanctity which hedged the life of a citizen was a tradition too strong to break, but if we may accept a statement of Suetonius, who cites the authority of Cicero, those guilty of *parricidium* forfeited the whole of their property, those guilty of other offences the half of it[3]. Of crimes against the State *maiestas* as well as the promotion of violence was punished by outlawry. Consistent with this and in the spirit of Sulla was the enactment of a law which limited governorships in consular provinces to two years, in praetorian provinces to one. At the worst, this was the extension of patronage and a concession to avarice, even if Caesar might hope to curb the worst excesses of governors by the enforcement of his earlier law *de repetundis*; at the best, it was the sacrifice of the provincials to the security of the home government. As the Empire was to demonstrate, what the provinces needed was government by men who were adequately paid and allowed to remain in provinces after they had acquired a knowledge of them. The salutary law of Pompey that no consular should proceed to a province until five years after his consulship was allowed to lapse. But in defence of Caesar it should be said that the Optimates had set the example of disregarding it at the outbreak of the Civil War, and that the immediate purpose of Pompey's law was to hinder bribery, which was less a danger now that office went more by Caesar's favour than by that of the Roman People.

It is not certain whether all these laws were passed before Caesar went to his last campaign in Spain, but enough was done to prove, if it needed proving, that he was whole-heartedly bent upon reform as he understood it.

Finally, it is convenient to take account of the laws which were still being prepared at the time of Caesar's death. A bronze table found at Heraclea in the south of Italy[4] contains drafts of four measures which were produced from among Caesar's papers and which, although they still lacked final revision, were given the force of law in June 44 B.C. by the Lex Antonia de actis Caesaris confirmandis[1]. It is possible that the last of the four, which is the confirmation in advance of amendments in the charter of Fundi in Campania, was interpolated by Antony[2].

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[1] XLIII, 25, 2.

[2] See J. S. Reid in *J.R.S.* v, 1915, p. 215.

[3] Suetonius, *Div. Iul.* 42, 3, 'ut Cicero scribit.' The passage of Cicero, which we may fairly suppose to have existed, has not survived.

[4] Bruns, *Fontes*⁷, 18; E. G. Hardy, *Six Roman Laws*, pp. 149 *sqq*.

The first draft relates to the registration of those of the *plebs urbana* who received corn from the State. An inquiry conducted by a visitation of the blocks of tenements at Rome had reduced the number of recipients from 320,000 to 150,000, and provision had been made to fill vacancies by death in this reduced list from applicants of the necessary poverty who had not been included in the inquiry. More than this was needed, and the draft law required a return from those on the list whose property or income rose to an amount which excluded them from the privilege. In connection with this Caesar in 44 B.C. provided that two additional aediles should be elected with the duty of controlling the distribution of corn.

The second draft was of a measure to regulate the upkeep of roads in Rome and the suburbs, the control of traffic and the use of public open spaces and buildings. The congestion of Rome, even when relieved by the emigration to colonies, was no doubt severe, and was one reason for the building projects which Caesar had had in mind for a decade. Two of the provisions in the law are significant: the ancient privilege of Roman matrons to drive in the city disappears, but there is a definite assertion of the rights in this matter of the Vestals, the *rex sacrorum* and the *flamines*. Whereas the general regulations may be suggested by the laws of Greek cities (though Caesar was capable of detecting and removing an inconvenience without a model to help him), we here see the dictator's inclination to sumptuary laws and his care as Pontifex Maximus for the privileges of the State religion.

The third draft is of more importance. It regulated the right to membership of the governing councils in communities of Roman citizens outside the capital itself. It defines a limit of age for magistracies in these communities, provides for the exception from this limit of those who had served six years on foot with the legions or three years in the legionary cavalry or of those who have exemption from service, and excludes from office those who are engaged in the occupation of auctioneer, beadle or undertaker. What is here noteworthy is that this disability had apparently also rested upon those who had once followed these callings but that it is now removed from such as had retired from these pursuits. Membership of the councils of these communities was denied to persons who had been convicted of various offences, to gladiators, bankrupts and those under certain civil disabilities. Significant of Caesar's own mind is the exclusion of those who had been cashiered from the army or had been the servants of a proscription, and the inclusion of exiles who had been restored to their former status. There is no indication that freedmen were debarred from any municipal office. Finally, it is provided that when the censor or any other magistrate at Rome takes a census, the highest magistrates of all such communities as are within Italy shall do the like and send forward the results to Rome.

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[1] As is shown by A. von Premerstein in *Zeitschrift der Savigny-Stiftung, Rom. Abt.* XLIII, 1922, pp. 45 *sqq.*

[2] M. Cary, *Notes on the legislation of Julius Caesar*, II, in *J.R.S.* XIX, 1929, pp. 116 *sqq.* Von Premerstein (*loc. cit.*) has shown that this draft refers to the 'municipality of Fundi,' and that all attempts to invent a class of 'municipia fundana' are unnecessary.

This third law had been in preparation since before February 45 B.C.[1], and its position after one law and before another on the Table of Heraclea suggests that it is the whole of Caesar's draft legislation under this head. It does not appear probable that the fourth draft, that about Fundi, would follow or be interpolated except after the last clause of the draft about municipalities in general. We may further deduce that Caesar had not already passed a general law governing municipia, since such a law would have dealt with some if not all of the topics covered by this draft. It is true that there is one single citation of a Lex Julia Municipalis at Patavium[2]. This is, however, presumably cited because it governs an appointment in some abnormal circumstances[3]. It seems most reasonable to assume that it is a *lex rogata*, passed by Caesar or some other Julius, which had especial reference to the municipality of Patavium. In this draft law we find Caesar imposing uniformity of institutions where uniformity is convenient or desirable in order to facilitate the census. That he had any general policy of extending or curtailing the normal self-government of municipalities or colonies cannot be affirmed. Still less do these drafts entitle us to say that Caesar had any intention of reducing Rome to the position of a municipality. So long as scholars adhered to the opinion that the Table of Heraclea contained parts of one law about municipalities which embraced Rome in its scope, it was not unreasonable to see in it evidence of such an intention. But with the refutation of that opinion, the evidence disappears. Such of Caesar's legislation as survives, gives us, in fact, no reason to suppose that Caesar did not regard Rome as the city which ruled the Empire, the Populus Romanus as the whole body of citizens of that city, and himself as the man to whom these citizens had entrusted an exceptional office of authority in their State.

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[1] Cicero, *ad fam.* VI, 18, 1.

[2] Dessau 5406.

[3] A parallel would have been the law about Fundi and perhaps the Lex Cornelia, which apparently governed appointments at Petelia (Dessau 6468–9). On the whole question see Cary, *loc. cit.* p. 116.

Caesar's especial care for Rome and Italy is further attested by a number of projects which were attributed to him, for which perhaps it was known that preparations were afoot. He intended to have the Pomptine marshes and the Fucine Lake drained in order to increase the arable acreage of Italy. A new road was to cross the Apennines to the Adriatic. The harbour at Ostia was to be deepened so as to become the Piraeus of Rome. The artificial lake which had been the scene of the naval display at his first triumph was to give place to the site for a great temple to Mars. The Tiber was to be curbed by a new channel. There were to be public libraries with the learned Varro as their director; a new theatre was to stand on the Tarpeian rock. Finally, what Sulla had done for criminal law was to be more than done for civil law in the shape of a codification. This last Pompey is said to have planned and abandoned: the task from which Pompey had flinched Caesar intended to achieve. These masterful plans were cut short by his death: it was reserved for Augustus, for Claudius and for Justinian to accomplish part of them.

The notable features of Caesarian legislation, so far as time has spared it, are its direct and radical removal of acknowledged abuses, its insistence on order and good administration, its resource in dealing with present perplexities. At the same time, it is difficult to discover anything which is a marked breach with the past or anything which looks far beyond the present. Historians who have seen in Sulla nothing more than a reactionary have been apt to see in Caesar nothing less than a revolutionary. But if the work of the two men in the field of social and administrative legislation is compared, the likenesses are far more striking than the differences. For the future Sulla had trusted in fortune and a Senate unhampered by the presence of its enemies, Caesar trusted in fortune and in his own autocratic power despite the presence of its enemies. The lessons which Caesar had learnt from Sulla were that the ruthless exploitation of victory was unworthy and that Sulla had been an ignoramus when he abdicated.

III. MUNDA

The beneficent activities of Caesar since his return from Africa suffered one serious interruption—the campaign of Munda. Since the year of Ilerda misgovernment and mutinies had so destroyed the goodwill of the Romans resident in Spain that they had showed themselves ready to welcome Caesar's enemies. Even before Thapsus the younger Gnaeus Pompeius had landed in the Peninsula, where he was joined by his brother Sextus and by fugitives from Africa. The legions that had mutinied feared punishment, and the troops of Afranius, who had been allowed to go to their homes in Spain, returned to the trade of arms. After Thapsus Caesar sent troops under Q. Pedius and Q. Fabius but they failed to prevent the spread of the revolt, and before the year 46 was out Gnaeus Pompeius had under his command thirteen legions[1]. Two of these garrisoned Corduba, the chief city of Further Spain. Of the eleven which formed the field army four were of good quality; the remainder, in part native Spaniards, were inferior in training though not in courage. He had 6000 cavalry and light-armed troops and as many auxiliaries: he brought a great name and embittered resolution, and with him was Labienus.

It was true that the young Pompeius, cruel and arrogant, was no Sertorius, but if Spain was left to itself, its re-conquest would be long and difficult. There was no one of Caesar's lieutenants able enough to cope with the skill of Labienus, which in Africa had for so long baffled the master himself. The only means of achieving a rapid victory was for Caesar to take the field, and the dictator was not tired of being a general. Reforms, reconciliation, restoration of the State must wait their turn. Early in November 46 he drove out of Rome and in twenty-seven days he was at the Spanish front.

In Corduba there was a party ready to go over to Caesar, otherwise the Baetis valley apart from the single town of Ulia was on Pompeius' side. But his very success pinned him down to a narrow theatre of war. Caesar succeeded in throwing reinforcements into Ulia and, after vainly threatening Corduba, embarked on a war of sieges and marches in order to bring Gnaeus to battle on equal ground. With the reinforcements that presently arrived he had eight legions, four of them veterans, 8000 cavalry, together with auxiliary troops, and even if outnumbered in infantry he could trust his army to win a decisive victory. For more than two months Pompeius evaded the issue but gradually lost ground and was compelled to abandon first Ategua then Ventipo to Caesar[1]. These failures to protect his adherents produced their natural effect, and Pompeius retreated still farther south to the neighbourhood of Urso. There he proposed to make a stand in a strong position between that city and the town of Munda and promised his friends the encouragement of seeing Caesar refusing to attack him. But Caesar did not refuse. On March 17 the Pompeians, already in array on the high ground, saw the enemy advance in line of battle, cross a stream that lay before their position, and then stand fast. Thus Caesar offered a battle in which the Pompeians would fight with the slope in their favour, and Gnaeus could not refuse the challenge. He had moved down the hill on Caesar's approach, and at the foot of it the battle was joined.

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[1] See Rice Holmes, *op. cit.* p. 542 *sq.*

Caesar placed the veteran Third and Fifth legions on his left and the Tenth on his right, for he must aim at turning one or other of the enemy's flanks. His cavalry presently swept away the Pompeian horse and was then withdrawn under the general command of the Mauretanian prince Bogud to wait until the enemy's reserves were all engaged, for Pharsalus had shown how good infantry could repulse the shock of horse. The soldier, perhaps one of the Tenth legion, who has written the *Bellum Hispaniense* has placed on record that it was a very fine day for a battle. But victory was slow in coming. For hours the two armies struggled with charge and countercharge: in courage they were well-matched, the slope neutralized the training of Caesar's troops. Even the veterans began to waver at last, and Caesar threw himself into the fray as thirteen years before in the battle with the Nervii. The Tenth legion did not fail him, but by a crowning effort thrust back the enemy's left. Now was the moment for the cavalry, and Bogud with his Moorish troopers rode to strike at the enemy's flank and rear. Labienus saw the danger and succeeded in withdrawing troops from the opposite wing to make a flank guard. But as they moved behind their own line the hard-pressed Pompeians believed it was the beginning of flight; at last their hearts failed them and they broke. Wearied with hours of conflict, they were in no case to escape and were killed and ridden down until the last army of Caesar's enemies was utterly destroyed. Labienus and Varus fell fighting and were given honourable burial. Cn. Pompeius, who escaped, failed to get away by sea and was hunted down: three weeks after the battle his head was brought to Hispalis and displayed to the people. His brother Sextus found refuge among the tribe of the Lacetani, who cherished the memory of his father, and lived to revive for a time the cause in Spain and then to trouble the peace of the Mediterranean for nearly a decade.

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[1] On the topography and operations see the works cited in the Bibliography. For the position of Munda, as, in the main, for the battle itself, the conclusions of Veith in *Antike Schlachtfelder*, IV, pp. 552, 599, are adopted. See Map 10, facing p. 319.

With the field army of the enemy destroyed it was an easy task to reduce Further Spain to obedience. Caesar in need of money for his wars and of land for his colonies had now no clemency. The war had since its very start been savagely conducted on both sides, and partisan rancour within the cities helped to induce massacres which suited Caesar's purposes, little as they accorded with his nature. The Spanish war was held to be rebellion helped by traitorous Romans, and, after the ruthlessness which was traditional in the Roman coercion of Spain, Caesar did not hesitate to celebrate a triumph and to allow, with small enough cause, a like honour to his lieutenants Pedius and Fabius.

With Munda Caesar's career in the field ended. What remains is an indication that in planning his campaign against the Parthians he set himself to learn by the disaster of Crassus, and his strategy was not refuted by the ill-success of Antony—if we may suppose that his lieutenant was seeking, with more haste than skill, to carry it out. At Munda, it is true, the issue hung in the balance, and it is at least probable that the manœuvre of Bogud which precipitated victory was not at Caesar's own direction. But a soldiers' battle in which he strained to breaking point the endurance of his veterans was not an unworthy end to his fighting career. He shared with Alexander and Hannibal the skill to fashion an instrument of war which fitted his own genius as the blade the hilt. Few students of war have doubted that Caesar's is the greatest name in the military history of Rome. His own *Commentaries*, the account of the Alexandrian War, and the soldierly if ungraceful narratives of the campaigns in Africa and Spain make us able to judge best of the best general of antiquity.

The appreciation of Caesar as a general has a significance for more than the history of the art of war, if we may make the reasonable assumption that the instincts and qualities of Caesar in war were his instincts and qualities in politics and statesmanship. His most striking quality was his entire faith in his own genius. From the day that he marched to see what he could do with the Helvetii and with Ariovistus to the day when he ordered the advance at Munda he never hesitated to accept the challenge of the moment. The cold prudence that warns against following opportunity too closely at the heels had little meaning for him. It was not that he lacked wariness: until his hour came his patience was iron. If inaction was the certain road to victory as at Berry-au-Bac he could be patient, but only if that was the certain way. No critic has detected a moment when he missed his chance. A few times he struck too soon, at Gergovia, Ilerda, Dyrrhachium: he never struck too late, and when he struck home, the blow was mortal. No army that he defeated escaped destruction or surrender.

He preferred to operate with comparatively small forces of the highest quality. This was partly because he understood, as the Romans understood so well, the importance of supply. But it was also because he trusted his own skill to make every man tell. When he confessed that fortune plays a great part in war, he was claiming victory as his own, for a nimble wit and an unclouded courage were the only weapons aganst fortune. Thus, while his strategy was often patient where defence was needed, it bears little signs of profound calculation. The conditions of his day did not permit the far-ranging manœuvres of Napoleon before Ulm. But when it came to battle he would subscribe to the maxim of Napoleon, *je m'engage, et puis je vois*. His triumphs were so much the product of his own personality that he left behind him no single advance in the art of war. He bequeathed to the generals who followed him no recipe for victory except one beyond their reach—to be Caesar. As an excellent critic and an experienced soldier has pointed out, he made no single innovation in the technique of Roman soldiering[1]. In that respect he was not the rival of Marius and perhaps not the rival of Sulla. He had not Pompey's instinct for amphibious warfare, he had not Alexander's appreciation of cavalry as a striking force; the traditional Roman art of war was sufficient for him because he handled it with a virtuosity and a drastic application which marked his genius.

IV. COLONIES AND CITIZENSHIP

Both before and after Munda Caesar was concerned not only with reforms at Rome but with problems of colonization, in part made urgent by his own career.

The first of these was the provision of lands for the veterans who had fought under him in Gaul and might fairly demand their release and their reward. As early as 51 the Senate had, with some plausibility, considered the claims of Caesar's legionaries; in 49 the Ninth legion had demanded its discharge. After Pharsalus Caesar had sent back to rest in Italy all the legions that had fought in Gaul, except the Sixth[1]. Idleness in Campania did not induce content: in 47 there was the mutiny in which the Twelfth and Tenth legions took the lead. It is noteworthy that of the veteran legions apart from the Sixth, two, the Eleventh and Twelfth, were not taken to Africa, and possibly Caesar made a start at once with the allotments for these legions. At the close of his African campaign he assigned land there to a number of his troops, perhaps to those who preferred to settle down at once; and during his absence his commissioners were busy completing the necessary survey of land available in Italy. Whether from fear or favour, the Italian communities had done nothing to hinder Caesar's advance in 49, so that he had no good ground, even if he had the mind, for confiscations like those of Sulla. But short of that, his commissioners were active enough in enforcing the claim of the State to lands, even lands dedicated for religious purposes.

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[1] G. Veith, in Kromayer-Veith, *Heerwesen und Kriegführung der Griechen und Römer*, p. 465.

The agrarian law of 59, after fulfilling its immediate purpose, had left some land available, if it is right to suppose that the Lex Mamilia was a supplementary measure passed in 55 to prepare the way for settlements of Caesar's veterans (see above, p. 618). It should be added that most of Pompey's veterans who had rejoined the eagles in 49 had gone over to Caesar, and it may have seemed bad policy to disturb the allotments of the remainder. Caesar was careful to announce that the Sullan allotments would be respected, and it would belong to his politic clemency to respect the claims of Pompey's soldiers who had done no more than fight again under their old general. The survivors of Caesar's Gallic army may be estimated at 20,000 men, and to these should be added soldiers in other legions who had had long service in the decades preceding the Civil War and who had a claim to good treatment and discharge. A part of these were settled in Africa and a number joined in the colony that was sent to Corinth[2]. For the remainder, land seems to have been found in Italy except for the Sixth and Tenth legions. The Seventh and Eighth, and possibly others, were settled in Campania[3].

The Tenth legion, whom Caesar could neither forgive nor dispense with, and the Sixth, which had probably been raised in 52 at earliest, fought at Munda. By that time the Tenth, on which Caesar had possibly drawn for the training of his recruit legions[1], had shrunk to very few men[2], and the Sixth, which had fought with Caesar in the Civil War from Spain to Asia Minor, was at Zela less than a thousand strong[3]. These two legions were now disbanded and settled in the part of the world outside Italy which was most Italian in character and Italianized in tradition, in the old province of Transalpine Gaul, the Tenth at Narbo Martius, the Sixth at Arelate. The *territorium* assigned to this last colony extended as far as Toulon[4], and we may assume that the allotments were on a very generous scale. Land in this region could be supplied at the expense of Massilia. How land was procured at Narbo must remain unknown, but it is possible that Hirtius was employed there immediately after Munda[5]. Thus Caesar had provided for the army of Gaul, but since at the time of his death there were some thirty-five legions under arms, the future contained a still more formidable problem (see further below, p. 712).

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[1] See Note 5, p. 898.

[2] Strabo XVII, 833.

[3] Cicero, *ad Att.* XVI, 8, 2; Nic. Dam. XXXI, 132; *C.I.L.* X, p. 369.

The second kind of colonization had economic and political purposes. There were in Italy, above all in Rome, a great number of people who had lost the taste or the opportunity for employment. They were a burden to the Treasury, and their disorder, indeed their very presence, was a nuisance in politics. Caesar's enfranchisement of Transpadane Gaul was not accompanied, so far as we know, by the attempt to bring about any representative system, and, so long as Caesar himself dominated elections and legislation, this may not have seemed an immediate problem. But, in any event, the concentration in Rome of so many idle voters was a political problem. Thus, both on economic and political grounds, it was desirable to draft off a large proportion of the urban proletariate. Agrarian colonies alone would not suffice, for many of these people could not dig. Accordingly, Caesar planned colonies offering industrial and mercantile opportunities.

It was in this side of his colonial policy, and perhaps this only, that Caesar was the heir of Gaius Gracchus. The statecraft or fears or impatience of a politically-minded Senate had destroyed two of the great commercial centres of the ancient world, Corinth and Carthage. Gaius Gracchus had taken great risks to set on foot a colony at Junonia in the near neighbourhood of Carthage (p. 73). This enterprise, which was only in part achieved, Caesar determined to carry through. The new Carthage was to be, as it became, a centre for agriculture as well as trade; Corinth was dedicated by nature to commerce. Caesar is credited with the intention of cutting a canal through the Isthmus; and the colonists who were sent to Corinth, whether before or after Caesar's death, contained many freedmen who, it may be assumed, had largely bought their freedom by their skill in industry. These, who had presumably failed at Rome, were to make a new start.

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[1] *Bell. Afr.* 16, 1–2.

[2] *Bell. Hisp.* 31, 4.

[3] *Bell. Alex.* 69, 1.

[4] *C.I.L.* XII, p. 84.

[5] Cicero, *ad Att.* XII, 37, 4.

Parallel with the colony at Corinth is that at Sinope. That Sinope is a Caesarian foundation may be deduced from its Era, which dates from 47 in place of that which had run from 70 B.C., the year of its capture by Lucullus (p. 365). The city had offered only a brief resistance to Pharnaces[1], and we may assume that Caesar took from it part of its territory to provide for new colonists. It appears more probable that it was a commercial colony of the same kind as Corinth than a soldiers' settlement, since the only veteran troops with Caesar in Asia Minor were the Sixth legion, which was sent back to Italy.

With the new Carthage only a beginning was made in Caesar's lifetime: the nascent Caesarian settlement at La Malga can be distinguished from the later additions of Octavian and the city that grew up during Imperial times. In Africa Vetus there were also planted colonies on the coast at Curubis and Clupea and, probably also Caesarian, at Carpis and Hippo Diarrhytus, possibly Caesarian, at Thysdrus and Neapolis. In this African group were settled some of those veterans whom Caesar left behind after Thapsus, men who preferred urban life to being small landowners in separate homesteads. In the territory held for the moment as a reward by Sittius, there were colonies at Cirta and probably at Rusicade, Chullu and Milev which were perhaps intended to make good Roman citizens out of the broken men who had followed the fortunes of that adventurer.

Equally, if not more, important were the foundations in Spain. Here in both provinces there were, besides some earlier foundations, *conventus* of Roman citizens. Some of these were raised to the dignity of a colony as a reward for fidelity, such as Ulia, which alone in the Baetis valley had held by Caesar (p. 702). In Nearer Spain this status was given to Nova Carthago[2], Tarraco and Celsa[3]. In the Further province Hispalis, Urso, Ucubi and Itucci forfeited land which was granted to colonists, and no doubt these were not all. Thus a beginning was made with the Romanization of the south and south-east of Spain which it was one of Augustus' greatest achievements to carry through.

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[1] Appian, *Mithr.* 120.

[2] It resisted Cn. Pompeius. Dio XLIII, 30, 1.

[3] Celsa was perhaps not formally a colony till the government of Lepidus.

For the character of these colonies some evidence is afforded by the extant chapters of the Charter governing the colony of Genetiva Julia established at Urso in Spain[1]. The Charter shows imperfection in drafting and the evidence of at least two hands. Part of its provisions are doubtless tralatician[2], but there are signs of Caesarian innovations. The dictator has apparently appointed the first set of magistrates and reserves to himself the right to make appointments in future[3]. In future no Roman Senator or son of a Senator may become *patronus* of the colony unless he is a private person in Italy without the *imperium* and is approved by three-quarters of the local council of *decuriones*[4]. There is a rigorous rule against bribery in money or in kind at elections, perhaps based upon Cicero's law *de ambitu*[5]. An indication that Caesar wished to maintain industrial life in his colony might be seen in the provision that no one might possess within the town works which could produce more than 300 tiles a day[6], were it not that one such factory could perhaps suffice for the needs of Urso and the district, if a house dignified enough to be the residence of a local magistrate at Tarentum might be roofed with so few as 1500 tiles[7]. Careful provision is made for the practice of the Roman State religion with augurs and pontifices[8]. The Capitoline Triad, Juppiter, Juno and Minerva, are to be honoured for three days, Venus for one[9]. The name of the colony and the provision for Venus combine to attest Caesar's emphasis on his patron goddess, but it is to be noted that there is no trace in the Charter of any Caesarian religious policy inconsistent with the normal practice of the Roman State.

Of more importance is a phrase which prescribes that no objection may be lodged against the right of a *decurio* on the ground that he is a freedman[9]. This phrase appears to be the negation of a lost tralatician clause by which *ingenuitas* was required, and it is reasonable to suppose that we have here a trace of a Caesarian innovation in favour of freedmen, and we find it also in Caesar's colonies of Curubis and Clupea in Africa. The innovation is natural in making laws for colonies intended to draw off the urban proletariate, in which many freedmen would be found[1]. But it appears to be a fair deduction from the Table of Heraclea that in the last year of his life Caesar was proposing to place freedmen on a level with *ingenui* for all purposes in all municipia and colonies. A liberal attitude towards freedmen had long been a touchstone of progress in Roman political thought, and this legislation is one more piece of evidence which reveals Caesar as following the most broadminded tendencies in Republican statecraft.

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[1] Bruns, *Fontes*⁷, 28; E. G. Hardy, *Three Spanish Charters*, pp. 23 *sqq*.

[2] *E.g.* the reference to Italian or Gallic *tumultus* (cap. LXII).

[3] Cap. CXXV.

[4] Cap. CXXX. This is apparently a later modification of the previous practice given in the tralatician chapter XCVII.

[5] See above, p. 493.

[6] Cap. LXXVI.

[7] Bruns, *Fontes*⁷, 27, l. 28.

[8] Cap. LXVI–VIII.

[9] Cap. LXX–I.

Apart from the settlements of veterans these colonies appear to have been intended to relieve overpopulation in Rome rather than to deprive the Italian peninsula, including the enfranchised region in the north, of its privilege and duty to be the recruiting ground of the Roman armies. The statement of Suetonius[2] that Caesar settled 80,000 citizens overseas is in a context which suggests that the figure refers to people drawn from the urban proletariate, and he goes on to credit Caesar with forbidding Italian citizens of military age to be absent abroad for more than three years except as enlisted soldiers[3]. Caesar's own army of Gaul had been recruited in Italy though largely from a part of Italy which had not yet received the full franchise. The famous Alaudae, recruited in Transalpine Gaul, do not appear to have been recognized as a regular legion with a number until after the Civil War had begun. For cavalry and for the light-armed troops that acted with cavalry he had followed the usual practice of Roman commanders and looked outside Italy. But there is no good reason to suppose that the legions contained any considerable proportion of soldiers who were not of Italian birth. There were certainly more legions in the world at the time of Pharsalus than at the time of Caesar's death. The admixture of non-Italians in Pompey's army was, to all appearance, very small; whereas by then Caesar had had little opportunity to draft non-Italians into his army[4]. During the years 46 and 45 nine veteran legions had been disbanded; on the other hand part of Pompey's legionaries had passed into Caesar's service, and it was Caesar's practice to allow legions to shrink rather than to replenish them by drafts of recruits. Despite the losses of the wars it is not necessary to assume any extensive recruitment in the provinces between Pharsalus and the Ides of March. Caesar's opponents in Spain and in Africa were driven to enlist provincial non-Italians, but this was not, so far as can be conjectured from the scanty evidence, the practice of Caesar or the policy of the Roman State.

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[1] The name of this colony is given by Pliny (*N.H.* III, 12) as Gen<eti>va Urbanorum, if this is not a textual corruption for Ursaonum.

[2] Suetonius, *Div. Iul.* 42, 1.

[3] *Loc. cit.* The lower limit of age is 20 years; the MSS. reading for the upper limit (*decem*) is corrupt, but plainly age limits for military service are implied.

[4] See below, Note 5, p. 898.

The enfranchisement of Italy north of the Po satisfied, for the present at least, the need for citizen soldiers, but it was not inconsistent with Roman liberal statecraft to prepare the way for further enfranchisement in regions that became Romanized. Sicily was geographically almost a part of the peninsula, and there is nothing improbable in the statement that Caesar at least meditated conferring on the whole island the Latin right that was a half-way house to citizenship[1]. It required more imagination to pass beyond the Alps and do the same for Romanized urban communities of the old province of Transalpine Gaul and of Spain. Within the Alpine region itself, where Latin culture had made its way, similar rights followed. There is no doubt that Caesar made free use of the right to grant citizenship to individuals which belonged to the patronage of Roman generals. On those of alien birth who followed the practice of medicine or of letters at Rome he conferred the franchise. But when due allowance is made for Caesar's respect for culture and care for the social well-being and status of those who shared Italian civilization, it is not to be concluded that he had abandoned the idea of the predominance of Italy through its rights in Rome.

V. THE FINANCIAL AND FOREIGN POLICY OF CAESAR

The financial policy of Caesar had been to make war support war. He confiscated the estates of avowed Pompeians so far as that did not conflict with the clemency which seemed to him politic and natural. But as the war went on, his need became greater and his conduct, of necessity, harsher. In Africa after Thapsus he imposed enormous fines and contributions, and in Spain he punished by confiscation of land the cities that had taken the side of his enemies. Part of the land confiscated in Africa he used to raise money; most, if not all, of that taken in Spain apparently went to colonies. Thus his policy of colonization, apart from the allotment of lands to veterans, was a charge on the State in the sense that land was given to colonists which might have been sold for the benefit of the Treasury. A partial set-off was the drastic limitation of the distribution of corn. The citizen population resident in Italy was immune from direct taxation, and his extension of the franchise to Transpadane Gaul meant a loss to the Treasury. On the other hand the re-imposition of the customs duties at the harbours of Italy abolished in 60 B.C. (p. 511, n. 1) was an indirect taxation of the citizen body in addition to the *vicesima libertatis*[1]. Gaul with a tribute of forty million sesterces could more than pay for its government, but for the moment most of the other provinces must have been exhausted. In the Greek East Caesar had remitted some taxation and, to judge from the scanty evidence, had fixed the amounts due from communities and permitted them to collect it themselves without the unwelcome assistance of *publicani*. Governors, too, were to be strictly watched, but it would be some time before the prevention of extortion for private profit would have its full effect in benefiting the State treasury.

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[1] Cicero, *ad Att.* XIV, 12, 1.

Towards expenditure Caesar preserved the genial attitude of one to whom other men's money had come easily. His triumphs were so costly that the greedy veterans complained that money was being taken from them, despite the donatives with which they were rewarded. In building and in public works he spent and was planning to spend freely, though those who would win his favour were encouraged to assist. He had many needy friends and allowed some of them to enrich themselves indirectly at the State's expense. Much of his expenditure was on valuable public services and would have good economic effects. That Caesar had any serious intention of seeking a seat of government elsewhere than in Rome is rendered improbable by his plans for making the city more splendid. It was certainly good statesmanship to follow and surpass the policy of Sulla, the first great master-builder of Rome as a world capital. But that was not all. The existence of some thirty-five legions, which every year involved the State in present expense and future liability was a financial problem of the first magnitude. The present expense was increased by the virtual doubling of legionary pay which Caesar introduced, even if that made possible savings which reduced the needs of the soldiers at discharge. The natural solution was to disband all but the formations necessary for the establishment and maintenance of security within the Empire and on its borders. With peace assured, the provinces that had been visited by war and drained by requisitions would be able to make a contribution justified by the protection which they received. Those of the legionaries who could demand allotments might be provided for by purchase without further confiscations of provincial land if Rome annexed Egypt. In Egypt was the famous treasure of the Ptolemies, and if Rome gave to the Egyptians peace and security, though not the freedom which they had never enjoyed, it would be no injustice to use a part of the wealth of the country for the needs of Rome. The Ptolemaic dynasty had outlived its usefulness, and the machine of government could be readily adapted to serve a new master. All this the future was to show, but the possibility must have been plain for all men to see.

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[1] The tax on manumission, which was, however, freely evaded by the practice of *manumissio minus iusta*.

The one thing which stood between the Ptolemaic dynasty and its extinction was the queen Cleopatra. She had been Caesar's mistress and was the mother of his son. The fate of Egypt hung in the balance at Rome, and with good reason the queen left Alexandria to conjure the danger to her power. How far she kept a hold on Caesar's affection we have not the evidence to tell. He placed her statue in his new temple of Venus Genetrix, and provided her with a residence in his gardens beyond the Tiber. As at least the guest of the dictator she seems to have fretted the pride of the Roman aristocrats. After Caesar's death Cicero made bold to write how he resented her arrogance[1]. Whether Cleopatra hoped to see Caesar do more for her than to leave Egypt a Ptolemaic kingdom we cannot tell. But so much she achieved, and after the Ides of March her boy husband vanished from the scene, and she set her son by her side as Ptolemy Caesar. It was reserved for Caesar's heir Octavian to put an end to her dynasty and to Caesar's son.

The task of Cleopatra was perhaps made easier by Caesar's preoccupation with a more splendid enterprise. Even before he left Asia Minor in 47 he is credited with the project of a Parthian campaign, and it may be conjectured that, if Caesar had been permitted to gain in peace his consulship for 48, he would have used it to secure the command in the East. Revenge for the defeat of Crassus was already overdue, the claim of prestige, the need to make secure the Roman East and possibly a calculation that war could be made profitable were motives enough to justify to Roman statecraft a great effort to defeat the Parthians if not to conquer their country. On the other hand, it must be admitted that, as events showed, the effort could safely have been postponed, had the dictator cared to give himself to the completion of a greater task, the reconstruction of the Roman State. It was true that a resounding victory in a war in which Roman pride was so deeply engaged might be the crowning justification of his autocracy. But when after the fall of Alexandria Octavian renounced the project of a war with Parthia and turned back to the hard task awaiting him at Rome, he proved himself a greater servant of the State than Caesar could bear to be.

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[1] *ad Att.* xv, 15, 2.

Whether indeed Caesar was moved by a profound political calculation is a matter for conjecture. A readier explanation is that for him war had become '*une belle occupation*,' and that, as his health began to fail, he was filled with the desire to make sure of one more great campaign. To this desire considerations such as those which moved Octavian would yield, and further it could not be denied that there were good grounds for other military operations which might conveniently be associated with a far-reaching enterprise in the East.

In Syria there had been and still was trouble. In 47 Caesar left his young kinsman Sextus Caesar with a legion to look after that province. Sextus enjoyed the support of the Jews and, more important, the prestige of Caesar's victory. But in the first half of 46 B.C. a follower of Pompey, Q. Caecilius Bassus, tampered with some troops at Tyre, spreading a rumour that Caesar had been defeated and killed in Africa, and fomented a mutiny in which Sextus lost his life. The part of the Caesarian garrison which remained loyal retreated into Cilicia, while Bassus made Apamea on the Orontes a formidable *place d'armes*, since he expected a punitive invasion from the neighbouring province. The governor of Cilicia, Q. Cornificius, held him in play until a new governor of Syria arrived, C. Antistius Vetus. He advanced and besieged Bassus, who had turned to Parthia for help and was relieved by a Parthian raid under Pacorus, which, however, ended with the advent of the winter of 45. Bassus had the support of Alcaudonius, who had deserted Crassus before Carrhae (p. 609). L. Staius Murcus, the successor of Antistius, had three legions under his command at the beginning of 44 and three more were ordered to Syria from Bithynia. These were to clear up the situation during that year and then to play their part in Caesar's campaign.

The Romans had also grounds for disquietude from the power of the Dacians. A great king Burebista had arisen, who with the help of a kind of prophet Dekaineos had reformed the habits of the people so that they were able to win back from the Celtic Boii the plain of the Theiss, which they had recently invaded. This he accomplished by a victorious war against them and the Taurisci, and the dislocation of people caused by this had given rise to uneasiness on the borders of Illyricum about the time that Caesar became governor of that province. The Greek cities of the western coast of the Black Sea had now to reckon with a formidable neighbour, who by 50 B.C. had succeeded to the menacing power of the Bastarnae. With Rome preoccupied the Greek cities seem to have acknowledged some kind of Dacian suzerainty[1], and Burebista even began to negotiate with Pompey just before the battle of Pharsalus. This action cannot have commended itself to Caesar, and he may have feared a coalition between the Dacians and Asander the ambitious usurper of the Bosporan kingdom. Moreover the raids of the Dacians troubled the borders of Macedonia[2]. It was therefore desirable to clear up the situation in that corner of the Empire and Caesar decided to make war on Burebista as a prelude to his invasion of Parthia.

Caesar had intended to use a striking force of at least six legions against the Dacians in a summer's campaign. Burebista, it is true, fell victim to a conspiracy, whether shortly before or after Caesar's death cannot be said with certainty. But it may fairly be assumed, in either case, that the plan was to make a formidable demonstration of Roman power in the North-East while the situation in Syria was being secured. The formal allotment of the provinces of Macedonia and Syria to the consuls of 44, Antony and Dolabella, was made after Caesar's death, but in view of the importance of Syria to a Parthian campaign and of Macedonia, if the Dacian question needed further settlement, it is reasonable to suppose that Caesar had given some indication of his wishes about the governorships of these provinces during 43 and 42. It was important that they should be consular so that they might be in charge of the same trusted governors for both years. While the proconsul in Syria held that province against a Parthian counter-stroke, the proconsul in Macedonia could carry through any settlement required on the borders of his province and convert into security the results of Caesar's campaign.

The question of Illyricum was linked up with that of the Macedonian frontier. The Delmatae had long been hostile to the coastal districts held by *conventus* of Romans and Italians. During the civil wars which preceded Sulla's dictatorship they had made bold to capture Salonae and were only driven back after two years' campaigning by C. Cosconius, a general who had proved himself in the Social War. It is possible that the rising spread as far north as the Iapudes, the people of the Carso. For a time, possibly because of the successes of M. Lucullus on the Macedonian borders, the tribes appear to have been quiet, but Mithridates' project to march on Italy by land (p. 391) was not madness except in a king who had outlived the self-sacrifice of his subjects. Caesar's original choice of Cisalpine Gaul and Illyricum as his proconsular provinces can be explained without any hypothesis except the desire to be within reach of Rome (p. 549), but it may be conjectured that he intended to settle the Illyrian question by war had not Gaul offered a greater theatre for his genius. But as a clash between Caesar and the Roman government became more probable, the Iapudes and Delmatae began to threaten both the loyal coast-towns and their neighbours the Liburnians. Thus during the first years of the Civil War Caesar's lieutenants had not only to cover the eastern borders of Italy against a possible Pompeian invasion from the Western Balkans but to fight the tribes which wished to be rid of Rome once and for all. There is not direct evidence that the Delmatae had leagued themselves with Burebista, but, if we may trust Appian[1], they feared that Caesar would attack them as a preliminary to his Dacian campaign and sent envoys to Rome. To convert into fact this gesture of submission Vatinius was made governor of the province for 45 and 44 B.C. with an army of three legions. By the winter of the former year he had achieved successes which merited a *supplicatio*. But the country was difficult, the climate unfriendly, and even Vatinius' proved energy and resource were almost baffled. In letters to Cicero he complained of his hard task and his fear that Caesar expected of him more than any general could achieve. But the dictator may have calculated that the display of Roman power farther east would intimidate the Illyrian tribes, and that during the second year of his government Vatinius might complete the subjection of his province. His army would then be at the disposal of the governor of Macedonia.

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[1] Ditt.³ 762.

[2] Strabo VII, 304; Suetonius, *Div. Iul.* 44, 3.

The Roman provinces in Asia Minor were for the moment important chiefly as bases of supply for the Parthian expedition. Bithynia was to be entrusted during 44 to L. Tillius Cimber who enjoyed Caesar's confidence, while the experienced Trebonius was to govern Asia as consular during 44 and 43. It is not known who was to be responsible for Cilicia.

In the West there were fewer pre-occupations. In 46 B.C. there had been a rising of the Bellovaci, which Dec. Brutus had put down, but there were no grounds for fearing an attempt to recover

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[1] *Ill.* 13.

Gallic independence. The events of the Civil War must have weakened Roman Spain, and it was arranged that Lepidus, who had governed the Nearer province in 48, should take charge of that region together with Southern Gaul in 44, while Asinius Pollio with three legions held Further Spain and dealt with Sextus Pompeius. The remainder of Gaul was entrusted to Munatius Plancus, who had served under Caesar in Spain and Africa. In Cisalpine Gaul, which would be the base of reinforcements if there was a war in the West, and in which the Alpine tribes might give trouble, Decimus Brutus was to be posted. In Africa Nova there was an army under T. Sextius, who had served as *legatus* under Caesar in Gaul and throughout the Civil War.

Apart from the forces which would be grouped under Caesar's own immediate command, eighteen legions were ranged in a ring from Africa to Illyricum. In Egypt yet another legion had been enlisted from the soldiers there, so that there were now four in all. The distribution of forces took account both of the needs of the Empire and the desirability of balancing against each other any possible ambitions of army commanders, no one of whom was to control too formidable a force or to control any force for too long. The provinces which needed armies were to be governed during 44 B.C. by men whom Caesar trusted, and he intended that during 43 the key-province of Nearer Spain and Southern Gaul should be in the hands of Lepidus, Macedonia Syria and Asia in the hands of Antony, Dolabella and Trebonius. The remaining provinces would be distributed among the praetors of 44 B.C., in whose election Caesar had had a say. Whereas the Julian law about provincial commands and the share of the Senate in distributing them remained in force, we may assume that during the dictator's absence the legions other than his own field army would be grouped under Caesarian generals in provinces in which their presence could reasonably be justified. The candidates for the consulships of 43 approved by Caesar were C. Pansa and A. Hirtius, for 42 Dec. Brutus and L. Munatius Plancus, who thus had an interest in the maintenance of Caesar's predominance. Lepidus was to be Caesar's *magister equitum* until at some future date, which we cannot fix, he took over his provinces. He was then to be followed by Cn. Domitius Calvinus (p. 725 *sq.*). A reason for keeping Lepidus for a time in Rome may be found in the mutual hostility of the consuls Antony and Dolabella, which it would be the task of the dictator's deputy to compose.

The confusion which followed Caesar's death naturally obscures the shrewdness with which he had provided for the first year or more of his absence from Rome. This is characteristic of him, but equally characteristic is the fact that he left for his own future decision or to the Senate guided by the consuls most of the provincial arrangements for 43 and 42. But he had not divined that among the generals whom he trusted were men who were ready to plot against his life. Further, the past had shown how reform and the processes of government might be paralysed by his absence[1], and that his dictatorship might be doubly galling if exercised from beyond the Euphrates. To the governing class Caesar was after all one of themselves: there was a world of difference between an absent autocrat and the first gentleman in Rome. While the people rejoiced in a declaration of war against the Parthians, the Roman nobles set themselves to face the question whether Caesar's position in the State was to be endured.

VI. CAESAR'S POSITION IN THE STATE

Caesar has been credited with a religious policy which aimed at anchoring in the next world a monarchy in this. The truth about it is not easily discovered. The emotion aroused by Caesar's sudden death, which so quickly plunged the Roman world back into civil war, made him accepted as a god. A decade of propaganda which appealed to Caesar, now in the interest of Antony now in the interest of Octavian, must have clouded the memory of what happened before his death. The desire of rhetorical writers to heighten a tragedy by the stage-properties of greatness and to make an imposing gesture to Nemesis, the moralizing simplification that only pride goes before a fall, confuse the ancient biographical tradition. Finally Dio, the writer who has most to say about honours voted to Caesar, admired the monarchy of his own day and was peculiarly at the mercy of any tradition which wrapped up the body of Caesar in the autocratic trappings which he believed to go with the office of emperor. The mere fact that so much in Dio does not appear in Suetonius' life of Caesar should give a historian pause, and no historian will be easy in mind when he has to use Suetonius as the touchstone of truth. There are a few hints in Cicero's letters which are invaluable, partly because their fewness should teach us to be on our guard. On the other hand, the historian has to remember how tremendous must have been the effect of Caesar's personality, towering above his followers and his enemies and even above the State. Fortune, which the Romans counted a part of greatness, had been as faithful to him as she had been to Sulla, and to the glamour of past success he had added a clemency which scorned to fear the future. In the Senate, the fountain of honours, there was a majority of men who would naturally seek to express their devotion to their leader, to emphasize the triumph of their party, together with a minority who wished to exaggerate and transmute triumph and admiration into flattery which would only injure its object until, in the drastic phrase of Florus, 'they decked him with fillets like a victim to the sacrifice.'

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[1] There are signs in the Table of Heraclea (Bruns, *Fontes*^{7}, 18, 89, 98) that it was intended to have some at least of Caesar's drafts passed into law after he left Rome.

To accept the statements of Dio and Suetonius without question is to abdicate the office of a historian; but to discover precisely what was offered to Caesar before his death and accepted by him is hardly possible. In the six months that followed Caesar's death Octavian was active in stressing his divinity, and it may be suspected, if not proved, that there has been some confusion between what preceded and what followed the Ides of March. Dio asserts that Caesar not long before his death was promoted to be Juppiter Julius and that Antony was appointed his priest 'like a *flamen dialis*[1],' Suetonius that Caesar accepted the appointment of a *flamen*[2]. In the *Second Philippic*[3] Cicero declares that Antony is *flamen* of Divus Julius, as there are *flamines* of Juppiter, Mars and Quirinus. The absence of any other evidence for Caesar as Juppiter Julius makes Dio's statement more than suspect, and without further evidence, the appointment of a *flamen* in his lifetime may be in Caesar's honour like that of the Luperci Julii rather than for his worship. Dio[4] and Appian[5] state that a temple was ordered to Caesar and to his clemency: a coin shows a temple accompanied by the legend CLEMENTIAE CAESARIS[6]. It appears that what was ordered was a temple to Caesar's clemency in which his statue would be placed as it had been in the temple of Quirinus.

But when due allowance is made for confusion and exaggeration there remain a group of less mundane honours which were voted to Caesar and which he accepted. What is important is to estimate how nearly Caesar was officially deified and how far these honours are to be ascribed to deliberate policy on his own part. A distinction must be drawn between the expression of enthusiasts in a cosmopolitan city such as Rome was becoming, and deification as a recognized device of statecraft. Sulla had been dictator with the duty of drafting a new constitution: Caesar was a dictator of the same kind. It was a pardonable exaggeration to describe him as the re-maker of Rome, and after his victory at Munda had been interpreted as the salvation of the State from servitude he was offered and accepted the designation of *parens patriae*[1]. It is this view of Caesar which explains the placing of his statue in the temple of Quirinus, whom it was fashionable to regard as the deified Romulus, founder of Rome. The same meaning may be assigned to the placing of his statue along with the Kings of Rome. The setting-up of his chariot opposite the temple of Juppiter is the symbol of his triumph; a statue of him with the globe beneath his feet commemorates victories from one end of the Mediterranean world to the other. If this statue bore an inscription describing Caesar as a demigod, Caesar had the word erased. The statue in the temple of Quirinus is said to have been inscribed 'to the unconquerable god.' The evidence for this comes from Dio[2], but it may be true, and it is possible that a phrase applied to Alexander[3] was used of Caesar. It is also possible that the inscription was added after Caesar's death. The intention to build a temple to Caesar's Clemency is natural enough without any assertion that Caesar was a god. His statue was to be set up greeting Clemency, but the placing of a man's statue in a temple need not mean that he was regarded or worshipped as a god[4]. Thus the decree (if it was passed) that Caesar's statue should be set up in the cities and all the temples at Rome does not amount to a general deification[5]. The addition of a group of Luperci Julii set his *gens* by the side of the Fabii and Quinctii or Quintilii, from whom the existing Lupercal colleges drew their name. The change of the month Quintilis to Julius was a similar honour, not inappropriate to the reformer of the Calendar, and need have no more theological implications than the later change of Sextilis to

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[1] XLVI, 6, 4.

[2] *Div. Iul.* 76.

[3] 43, 110, cf. *Phil.* XIII, 19, 41; 21, 47.

[4] *Loc. cit.*

[5] *Bell. Civ.* II, 106, 443.

[6] Volume of Plates iv, 12, *e*.

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[1] Confirmed by the legend on coins of the year 44 B.C. See Volume of Plates iv, 12, *f*. The news of Munda arrived on the eve of the Parilia, and the association of Caesar with the celebration of this festival reflects this idea. Drumann (Drumann-Groebe III, p. 580 n. 3) compares the proposal to call the day on which Gaius became Emperor by the name Parilia 'velut argumentum rursus conditae urbis,' Suetonius, *Caligula*, 16, 4.

[2] XLIII, 45, 3.

[3] Hypereides I, 32, 5. See H. Berve in *Gnomon*, V, p. 376 n. 2.

[4] A. D. Nock in *Harvard Studies*, XLI, 1930, p. 3.

[5] Dio XLIV, 4, 4. This may be an anticipation of the Lex Rufrena of 42 B.C. What may be the similar recognition of Octavian as a national hero in 36 B.C. may be deduced from Appian, *Bell. Civ.* V, 132, 546.

Augustus[1]. When he was still absent in Spain his statue was carried with that of Victory at the games to celebrate his success at Munda. The substitution of his statue for himself is natural enough, and Cicero's gibe that the people thought poorly of the goddess in such company[2] is not to be taken seriously. The celebration of Caesar's birthday and the offering of prayers for his long life, even the taking of oaths by his *genius* had in antiquity no more implications of divinity than in modern times. On the other hand, it must be admitted that it was a short step from such honours as these to a kind of quasi-deification. The carrying of a statue of Caesar in the procession at the games for Munda was followed by a like order for other *ludi circenses*. It might become difficult to distinguish the humanity of Caesar's statue from the divinity of the statues of the gods in its company. Possibly before Caesar's death, Antony carried a law to add a day to public festivals in his honour. A gable, which had hitherto been the distinguishing feature of a temple, was added to his house, though the precise interpretation of this must remain in doubt so long as it cannot be told whether or not the house in question was Caesar's official residence as Pontifex Maximus.

Many men in Rome, especially those who inherited Hellenistic traditions, were no doubt very ready to treat Caesar as more than human. To them deification meant little more than the expression of gratitude and admiration. When they had seen Caesar's triumph move up to the Capitol, it was a small thing for them to continue the procession to Olympus or wherever else gods might dwell. But it remains true that the evidence falls short of attesting the official admission of Caesar in his lifetime to a place among the gods of the Roman State[3]. Almost all the honours paid to him can be explained as due to an extravagant form of recognition of what he had done. It is therefore hazardous to attribute them to any deliberate religious policy of his own. Amid the honours paid to him he presumably remained coolly detached. He might none the less have used the confused thinking of others to promote his plans. But if that theory is not forced upon us it may be rejected as little suited to what we know of Caesar's own acts and of his attitude of mind. As Pontifex Maximus he undoubtedly cared for the State religion of which he was the head. It was to him, we may assume, as to other cultivated Roman aristocrats of the day, at least the symbol of the Republic's greatness. When his head appears on the coins of the State it bears either the laurel wreath of a *triumphator* or the veil of the Pontifex Maximus[1]. He was careful to secure the ancient rights of the Vestals, *rex sacrorum* and *flamines* in the city, and in his charter for the colony of Genetiva Julia he provides for the establishment and performance of public worship on the Roman model. It may be imagined that his own instinct would be against innovations in the State religion, but though he declined some honours, he could not be always refusing distinctions which he valued at their true worth, even if he suspected that they were prompted by malice as well as by enthusiasm.

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[1] The statement of Dio (XLIV, 5, 2) that the name Julia was conferred on one of the Roman tribes in Caesar's honour appears to be untrue.

[2] *ad Att.* XIII, 44, 1.

[3] Dessau 72, 73, 73 *a* are not evidence for Caesar's lifetime. Dessau 6343, 'M. Salvio Q. f. Venusto decurioni [be]neficio dei Caesaris (Nola),' does not prove that Caesar was described as *deus* at the time when he conferred this *beneficium*, and, in any event, the phrasing of a private dedication is not to be pressed too far.

We may, then, attribute to Caesar at Rome no more than a policy of *laissez-faire* in religious matters. The same is even more true of Caesar in the provinces. Hellenistic States had hailed him as a god after Pharsalus, as they would have hailed Pompey if the day had gone for him[2]. Since the time of Flamininus they had shown gratitude for favours, respect for power or fear of punishment by this language of compliment, and their readiness to offer to Caesar divine honours does not mean that he claimed them. It is true that these honours would have smoothed Caesar's path if he sought to make himself a monarch of the Hellenistic type; but they are equally consistent with the absence of any such intention.

It is not, in fact, easy to attribute to Caesar any such serious design. The philosophical justification of the Hellenistic monarchy, with its insistence on the duty of promoting common goodwill and its conception of the responsibility of the monarch towards his subjects, might well appeal to the best sides of Caesar's character. Yet the great days of those monarchies were over: the last of them was a precarious survival in which the divinity that hedged a king was slight protection against an Alexandrian riot or an insurrection of fellahin. Despite real services to civilization and to the economic development of their subjects the Hellenistic monarchies had proved in the end a political failure. It is true that the Roman Republican constitution was ill adapted to govern the Mediterranean world. The task was too great to be left to the interplay of Senatorial coteries, to the rivalries of ambitious nobles who used their short reign in the provinces to secure power or wealth, to improvised armies, to irresponsible taxation bringing profits to Roman capitalists. None the less, when compared with the Hellenistic monarchies, the Roman system of the radiation of power from a city-state had proved a great success.

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[1] Volume of Plates iv, 12 *f*, *g*, *h*.

[2] Carthaea (Ceos), *I.G.* XII, 5, 557; Lesbos, *Ath. Mitt.* 1881, 61; Mitylene, *I.G.* XII, 2, 165 *b*; Ephesus, Ditt.³ 760. Cities also give him the titles of Soter, Euergetes or Ktistes, Athens, Ditt.³ 759; Thespiae, *I.G.* VII, 1835; Carthaea, *I.G.* XII, 5, 556; Mitylene, *I.G.R.R.* IV, 57; Pergamum, *ib.* IV, 303, 304, 305, 307; Chios, *ib.* IV, 929. In 48 B.C. Pergamum calls Metellus Scipio Soter and Euergetes, Ditt.³ 757. The language of these inscriptions falls short of attesting the recognition of Caesar as the prospective founder of a world-monarchy reconciling East and West. The striking phrase of the inscription at Ephesus (Ditt.³ 760) 'god manifest and common Saviour of the life of man' belongs to the months immediately following Pharsalus, when Caesar's policy cannot have been declared, if indeed it ever was. There is no evidence for the precise date of the similar inscription of Carthaea.

Caesar himself had led the armies of the West to victory in the Hellenistic East. In a military sense the centre of gravity of the Mediterranean world still lay in Italy, as the Civil War had proved, and the potential sea-power and the specialist troops of the Greek East cannot have counted for much with a soldier who had always put his faith in the legions. Hellenistic monarchy had become a shadow, and a realist, such as Caesar's writings and whole past career show him to have been, was not likely to sacrifice the substance of power for the shadow. That by the last year of his life Caesar had determined to enjoy autocratic power for the remainder of his days is plain. But to suppose that this autocratic power would be fortified by abandoning the traditions of the West in favour of those of the Greek East would have argued political blindness almost unthinkable of Caesar. Italy and the West might endure autocracy for the sake of a beneficent autocrat or to be secured from civil war. But to break autocracy loose from the sentiment of what was still the strongest political and military complex in the world was to root it up. The care which Caesar had taken to be sure of the West during his Parthian campaign shows, if it needs to be shown, that this almost self-evident fact had not escaped him.

The cure for the weaknesses that beset Rome's government of the Mediterranean world was, beyond doubt, some kind of autocracy or, if not precisely that, the entrusting to one man of the solution of its recurrent problems. For a generation Roman political thought had been inclining towards such a constitutional change in theory at least, though the memory of the time when the Senate embodied a steady control presented a constant rival. Augustus sought to reconcile the two ideas in an apparent compromise. Caesar was not the man for compromises, but he may have believed that in what remained of his life he might work out a permanent form of autocracy which would reconcile the traditions of East and West. But into what his autocracy might have been transformed we cannot say. He was killed because of what he was, not because of what he might be; and even the assertion that he had formed any clear plan for the future of the Roman State goes beyond the evidence and is not made necessary by his character. We have seen that as a general he trusted his genius to find a triumphant way out of the problems which war presented. He may well have postponed the problem of a final constitutional settlement until after his return from Parthia. One thing he did not do, he did not mark out anyone to be a successor to his power.

On the Ides of September 45 Caesar had made a will which was deposited with the Vestal Virgins. Up to the beginning of the Civil War Pompey, who had been his son-in-law, stood as his heir. The new will named Octavius, grandson of his younger sister Julia, heir in respect of three-quarters of the estate, L. Pinarius and Q. Pedius, who were grandsons of his elder sister, in respect of the remaining quarter. A number of persons were to be second heirs in default of the above three; among them were Decimus Brutus, and Antony, who was a connection of Caesar's on his mother's side. Guardians were appointed for a son in case one should be born to him. At the end of the will Octavius was adopted Caesar's son. The adoption of a son was in itself no more than what would be expected of a Roman noble with a high sense of the dignity of his family. Caesar might still hope to have a son born of his body, and the fact that he had not divorced Calpurnia suggests that he had not despaired of her motherhood. But his health was not good, and he was already determined to leave Rome on a distant campaign, from which he might not return[1].

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[1] The will is concerned with three possibilities: that Caesar might die in the East, that Calpurnia might bear a child to him in his absence, and that one or all of the first heirs might die and so make way for the second heirs. It affords no evidence of any further intentions by Caesar, least of all the intention to marry Cleopatra and legitimatize his son by her. At the moment Cleopatra was in law the wife of Ptolemy XIII and reigned in Egypt as his consort. Clearly a legal Roman marriage with Cleopatra would be preceded by the death or divorce of Ptolemy and the divorce of Calpurnia,

Octavius both by bequest and adoption was preferred over Pinarius, in whose career Caesar appears to have taken no interest, and over Pedius, who had been a *legatus* in Gaul from 58 to 56 B.C., without being entrusted with any important command, and after that had shown no great capacity in Spain, where with Fabius he had failed to repress the movement in favour of Cn. Pompeius. What success was achieved might be set down to Fabius, who was a good soldier, and it is possible that the triumph which Pedius as well as Fabius was allowed to celebrate was a consolation prize. Little as Octavius' character resembled that of the dictator, we need not doubt that Caesar regarded him as definitely the most promising of his younger kinsmen. During the last four months he had been in Spain; and Caesar must have seen in him capacity. In the triumph after Thapsus he had been permitted to follow Caesar's chariot as though he had been *contubernalis*, and he had been made a patrician and a member of the pontifical college. More than that cannot be said. He was only ten days over eighteen, and Caesar cannot have dreamt of this young man's succeeding to his own autocracy, should any mishap befall him on his Parthian campaign. The very fact of his adoption was apparently kept a secret and would presumably have been kept a secret for years had Caesar lived, if only because the hope of being Caesar's heir was a useful hold on Antony[1]. For the time being Octavius was sent to pursue his studies at Apollonia until the time came for him to begin his apprenticeship in the art of war in the Dacian and Parthian campaigns.

It is stated by Dio[2] that Caesar intended Octavius to be a *magister equitum* and by Appian[3] that he had actually been made so for one year. It is possible that Appian only means that he had been designated for the office and is repeating the same tradition as Dio. According to Pliny[4], Octavius asked Caesar to make him *magister equitum*, and despite his request Lepidus was preferred to him. It is possible, though not necessary, to restore the Fasti so as to bring in Octavius as successor to Lepidus when he set out to Spain. Octavius would then be *magister equitum* for the remainder of the year 44, and be succeeded in 43 by Domitius

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accompanied by the making of a new will. The alleged intention of Helvius Cinna (Suetonius, *Div. Iul.* 52, 3; cf. Dio XLIV, 7, 3) to propose a law at Caesar's instance to allow him to marry as many wives as he pleased in order to beget children does not deserve discussion as a serious proposal.

[1] M. E. Deutsch, *Caesar's Son and Heir*, Univ. of California Publ. in Class. Phil. IX, no. 6.

[2] XLIII, 51, 7.

[3] *Bell. Civ.* III, 9, 30.

[4] *N.H.* VII, 147.

Calvinus. But the silence of Suetonius in his lives of Caesar and of Augustus and still more the silence of Cicero seem to be decisive against the designation of Octavius. It appears far more probable that it was Caesar's intention to take Octavius with him on his campaign as *contubernalis* and to have Lepidus *magister equitum* at Rome for part of 44 B.C., and Calvinus *magister equitum* at Rome on Lepidus' departure. The tradition in Dio, and perhaps in Appian, is then to be explained as belonging to that war of propaganda which has done so much to confuse the history of Octavius' rise to power[1].

It is conceivable that Caesar might violate practice so far as to have one *magister equitum* at Rome and another with him in the East to act as second in command. But there is no hint of this in any ancient authority, and if Caesar had to choose a lieutenant in the field, his choice would hardly fall on a young man who had never seen a pilum thrown in anger. In fact, though Octavius enjoyed such promotion as was suitable to his years, it is not possible to show that Caesar had so far acted as though he intended to mark him out as a kind of crown prince[2]. At the news of Caesar's death Octavius returned to Italy, but it was the news of Caesar's will, hitherto unknown to him, that roused him to his great venture: it was the fact that Caesar had been murdered and that his lieutenant Antony was apparently consorting with his murderers that made the veterans follow a young man who now bore Caesar's name. No one in the summer of 44 B.C., to judge from the contemporary literature, saw in Octavius the man whom Caesar had chosen out to be the heir to the autocratic position which he himself had held. There was, then, no known evidence that Caesar aimed at establishing a dynasty, and the terms of his will afford no presumption that that was his intention. Nor were honours especially reserved for his descendants. It is said that the office of Pontifex Maximus was conferred in advance on his son or his adopted son[3]. But it will not readily be believed that, if the office fell by right to Caesar's heir, Octavius would not have taken even more credit in the *Res Gestae* for having left Lepidus Pontifex until his death.

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[1] See below, Vol. x, chaps. I–III.

[2] Dio (XLV, 1, 2) declares that Caesar intended Octavius to be the heir to his power as well as to his name, but this appears to be no more than a deduction from Caesar's behaviour towards him and from a collection of myths about Octavius' birth and boyhood which were not known to Nicolaus of Damascus and Suetonius, or did not impose upon them.

[3] Dio XLIV, 5, 3.

We may now return to Caesar's own position in Rome. It was no more royal than it was divine. It is true that Caesar claimed descent from kings as well as gods, and sometimes wore high red boots which tradition associated with the kings of Alba from which the Julian *gens* claimed to have sprung. But much more than that was needed to make him king in Rome. Caesar's right to wear a laurel wreath and a purple robe and to sit upon a gilded chair, marked him out as *triumphator*, not as king. Pompey, too, had worn his robe after his last triumph[1]. That these insignia were complimentary and not the evidence of a constitutional position is shown by the fact that the occasions on which Caesar was invited to make use of them were first few, then many, then unlimited. One piece of evidence which cannot be lightly dismissed is the decree to place Caesar's head on the coins of the State during the last year of his life[2]. This was an innovation which might be regarded as admitting a claim to kingship. It might be thought that Rome had become a monarchy like those States which issued coins bearing the heads of their rulers. Yet if the Senate had decreed the issue of coins that meant to the Romans that Caesar was their king, it is hard to see why the imputation that he aimed at monarchy remained to be made. Faustus Sulla had issued coins bearing the head of the dictator Sulla within a generation of his death; the quaestor of Cn. Pompeius in Spain had struck coins with the head of Pompey the Great. The difference lay in the fact that Caesar was still living, but adulation might bridge that gap. It may fairly be supposed that the Senate were adding simply one compliment more to those paid to the dictator. Nor is it easy to suppose that the appearance of Caesar's head was thought to mark the end of the Republic. Within two years of Caesar's death Brutus allowed his head to be placed on coins which, though struck in the provinces, purported to be coins of the Roman State and bore, in one issue, the daggers and cap of liberty of the Ides of March[3]. The autocracy of Caesar, like that of Sulla, might be described as a *regnum* by those who felt that it curtailed their freedom or went beyond the normal practice of the Republic, but the word has not the force of a legal or constitutional definition. It is intended to convey the reproach of tyranny: so far as it looked back in Roman history, it looked back to the last Tarquin and that is all.

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[1] Vell. Pat. II, 40, 4; cf. Cicero, *ad Att.* I, 18, 6.

[2] Volume of Plates iv, 12, *f*, *g*, *h*.

[3] *Ib.* iv, 12, *j*.

Nor was Caesar's position simply military. The statement of Suetonius[1] and Dio[2], whatever its source, that he was granted and accepted the use of *imperator* as a praenomen is proved false by coins which till Caesar's death give him the praenomen of Gaius. It is equally certain that the name which Octavius received as adopted son of Caesar did not include the word *imperator*[3]. It is true that the legions would all of them obey Caesar, but a proconsul at the head of an army in his own province was not Caesar's *legatus*, and did not stand to him in the same relation as that in which, for example, Afranius in Spain stood to Pompey. His lieutenants, Pedius and Fabius, had celebrated triumphs, presumably in their own right, and Vatinius, the proconsul of Illyricum, was looking forward to doing the same. There is no sign that Caesar anticipated the Imperial monopoly of the triumph. He was not in fact any more or less an *imperator* than any other successful Roman general. The position of Caesar in the State cannot be equated with that of the first Dionysius as *strategos autokrator* of Syracuse.

Still less was Caesar's autocracy 'broad based upon the people's will.' It has been argued that he was the heir to the Gracchi, but he had no intention of imitating the shortlived power of Gaius Gracchus, which rested on the vindication and exaggeration of the power of the Populus Romanus against its partner by convention, the Senate. For the *faex Romuli* the new Romulus had no respect. He had no scruple in reducing the number of the mouths that ate the bread of the State, and though he could play the demagogue at a pinch, he cared little for the tongues that shouted praise or blame. His liberality with the citizenship showed how little he was bound by narrow traditions that were popular as well as senatorial, and while he provided for efficient local self-government, he neither made nor intended to make, so far as we can see, any provision for the government of Rome by representatives of a widened and widening citizen-body. Nor did Caesar stand for that ancient democratic power, the tribunate. In the past he, like other Roman politicians and generals, had found tribunes useful pawns in the game of politics. He had been compelled to use the tribunate to immobilize the machine of government when his enemies sought to use it against him. Thus he assumed the rôle of protector of the tribunes' rights, and so long as his dictatorial powers exempted him from their veto[1], he had no need to brave the ancient imprecations against those who left the Plebs without their leaders. Indeed the only effective, though spasmodic, opposition which Caesar had to face during his dictatorship came from the independent action of the tribunes[2]. In 44 B.C. there was conferred on him a tribunician sacrosanctity[3] and its outward manifestation, the right to sit upon the tribunician benches at the games. But he did not seek, or else he failed to find, a remedy for the deep-seated malady which the tribunate had become in the body politic. The tribunician veto was powerless against the dictator, but when tribunes acted independently of his approval, his remedy was to have them deposed by a bill put forward by another tribune (p. 737), a remedy which presumably he would not have invoked had any less unpopular course lain to his hand. And when he was affronted by the tribune Pontius Aquila, who refused to rise as he passed in triumph after Munda, his remedy was an angry phrase and a repeated sneer at the veto from which he was protected—'si tamen per Pontium Aquilam licuerit.' The disease was to be cured by homeopathic means, in the shape of the overriding active *tribunicia potestas* which was one of the greatest contributions of Augustus to Roman statecraft.

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[1] *Div. Iul.* 76.

[2] XLIII, 44, 2; cf. LII, 40, 2; 41, 4.

[3] That Caesar did not take Imperator as a permanent or distinctive title has been proved by D. McFayden in *The History of the title Imperator under the Roman Empire*, pp. 15 *sqq.* The one respect in which Caesar went beyond Republican practice was in retaining the title though he entered the City before his triumph in 46 B.C.

It is not easy to tell what future Caesar intended the Senate to enjoy. During the last twenty years it had generally been swayed by his enemies, although 120 senators had thought fit to travel to the conference of the triumvirate at Luca and 370 had voted for Curio's motion that Pompey, as well as Caesar, should lay down his command. The Civil War had removed part of the Senate hostile to him and most of the remainder, like Cicero, had removed themselves. The Senate had, by Caesar's act, the duty of providing half the members of the juries in the *iudicia publica* instead of only one-third. This, together with the need of providing for particular transactions a high quorum, made it reasonable to increase its numbers; and in adding new members Caesar had borne his own adherents in mind. There is no need to take too seriously lampoons about Gauls exchanging their trousers for the toga or not knowing the way to the Senate House. He no doubt added men of provincial birth and his own officers, even centurions, but how readily this might be exaggerated by partisans is shown by the fact that Sallust did not hestitate to attribute to Sulla the appointment to the Senate of *gregarii milites*. The increase in the number of magistrates who passed into the Senate was an administrative necessity, but it meant that the specifically Roman character of the Senate would be maintained. The sons of Senators were indeed forbidden to leave Italy except on the service of the State. The majority of the Senate was, and would be, Caesarian in feeling, for the dictator's influence was bound to be strong in the elections of these magistrates. Only if the remnant of unreconciled Optimates gave the Senate a lead and evoked in it the old tradition would it be more than a body ready, even too ready, to anticipate Caesar's wishes or to go beyond them in adulation. When the Senate took an oath to guard Caesar's life we may assume that most of the *patres* meant it honestly.

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[1] On the relation of the veto to the dictatorship see Mommsen, *Staatsrecht*, II³, p. 165 *sq*. But it may fairly be assumed that if Caesar's dictatorship was modelled on that of Sulla, it was exempt from the tribunician veto which would hinder precisely the task assigned to the dictator.

[2] See E. Pais, in *Atti della r. Accad. di Napoli*, N.S. II, 1913, pp. 149 *sqq*.

[3] See Note 6, p. 900 *sq*. on Caesar's *tribunicia potestas*.

There are no signs that Caesar meant to restore to the *patres* the initiative in policy, or to give to them a large share of real power in order to win over the discontented section of the aristocracy. But the prestige of the Senate still persisted in the provinces and client kingdoms and it was the one permanent organ of the Roman State that could, in practice, bind it in day-to-day policy. This was especially so in the region of foreign affairs. As regards provincial commands, the assignment of particular provinces to particular ex-magistrates, Caesar had no doubt only to express a wish to see it fulfilled, but he appears to have left to the Senate the assignment of praetorian provinces for 43. The consuls, acting on Caesar's instructions, would naturally give a lead, but the powers of the Senate were not taken away. So too with the transaction of the multitude of foreign affairs, the embassies which (particularly in February) came to Rome. In the year 45 envoys from Mitylene and from Cnidos were put off till Caesar returned from Spain and then waited on his pleasure so that it was not till the late autumn that their affairs were settled[1]. But while this shows how far the business of the Senate might be delayed by the need to know the dictator's mind, in the case of both these embassies, which deal with the formal ratification and the making of alliances, the Senate plays its traditional part. The same deduction may be drawn from the examination of the decrees cited by Josephus about Rome and the Jewish community in

[1] C. Cichorius, *Ein Bundnisvertrag zwischen Rom und Knidos*, Rh. Mus. LXXVI, 1927, p. 327.

these years. Caesar had in Syria made decisions in 47 B.C., but any permanent privileges of the Jews needed a decree of the Senate[1]. On the other hand, it has been argued with some force that the Senate did no more than register the decisions of Caesar by acclamation and not by consideration before the passing of a *senatus consultum*—that the Senate came in merely as a means of record and publication[2]. Cicero's complaint that his name was entered as attesting the drafting of decrees at meetings at which he was not even present may bear this out[3]. But it is to be remembered that there was a considerable body of decrees to pass which could do no more than register executive decisions taken by Caesar in the Greek East in 47, and that it would be rash to assume that during the years in which he expected to be fighting far from Rome he did not intend the Senate to carry on its traditional functions. Finally, it may be added, that the statement of Dio that Caesar was invested in 48 B.C. with the power to declare war and make peace in the name of the Roman People is not borne out by the facts so far as we know them[4].

Caesar's reforms had been carried through by virtue of his power as dictator, reinforced or rather emphasized in one direction by the *praefectura morum* which was conferred upon him after his victory at Thapsus[5]. Although the ordinary magistrates held office, they had no power to hinder his legislative activity, whether this took the form of laws passed through the Assemblies or of laws issued on the strength of his commission

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[1] Josephus XIV [8, 5], 143 *sqq.* and [10], 185 *sqq.* and the discussion in E. Täubler's *Imperium Romanum*, pp. 159 *sqq.* It may be doubted if Josephus' presentation of these documents is sufficiently trustworthy to justify the exacting analysis to which Täubler subjects them.

[2] Täubler, *op. cit.* p. 171.

[3] *ad fam.* IX, 15, 4.

[4] XLII, 20, 1. See L. Wiegandt, *Zur staatsrechtlichen Stellung des Diktators Caesar: Das Recht über Krieg und Frieden* in *Jahresb. d. Kgl. Gymnasiums zu Dresden-Neustadt*, 1898.

[5] Cicero's reference to Caesar as 'praefectus moribus' (*ad fam.* IX, 15, 5) may not be technical, but the statements of Suetonius (*Div. Iul.* 76, 1) and of Dio (XLIII, 14, 4) may be accepted. The statement of Dio XLIV, 5, 3 that Caesar was appointed sole censor for life in 44 B.C. is suspect because of the silence of other authorities. It may receive some slight support from Velleius (II, 68, 5) who says that Caesar punished the two tribunes Flavus and Marullus, 'censoria nota potiusquam animadversione dictatoria,' but the support is slight. It would appear that Caesar could have acted in virtue of his powers as dictator or *praefectus moribus* and Velleius' phrase may be no more than a literary turn to provide a stylistic balance. If the offer was made, it was at an inopportune moment, just before Caesar was to set out from Rome for several years.

'*legibus scribundis*.' For the curule magistrates must bow to his superior *imperium*, and his dictatorship was not subject to the veto of the tribunes. The Senate might in theory refuse to pass *senatus consulta* to meet his wishes, and apart from overriding laws in the Assemblies, it had a constitutional right to decide upon the assignment of provinces. But the dictator's powers, following those of Sulla, had enabled him to nominate so many Senators as would secure a majority in the curia, even if opposition was declared. Thus in practice the appointment to provinces lay in his hand. For domestic administration he had the right of appointing *praefecti* who, as appointed by a dictator, wore the insignia of office and were clothed with an authority borrowed from his own. And to support and co-ordinate their activities he had the right to nominate a *magister equitum*, who could take his place at Rome while he was in the field, and could exercise his own overriding powers. Abroad Caesar might appoint *legati* and grant them praetorian rank. So comprehensive and so firm was the grip upon the State which with remorseless logic Caesar derived from his dictatorship.

The cumulation of the consulship with the dictatorship had a precedent in Sulla, the continuous iteration of consulships a precedent in Marius, the position of sole consul for a time a precedent in Pompey. The command of Pompey against the pirates followed by his governorship in Spain had pointed the way to the wide delegation of powers dependent on a single *imperium* (see above, p. 347 *sq*.). It might be argued that the needs of the Republic were forcing it to gravitate towards such a central power as Caesar possessed. The right granted to Sulla to make laws as dictator, whether Sulla used it or not, involved a temporary abdication of the sovereign right of the Roman People, and this abdication was repeated with Caesar, although he appears to have taken little or no advantage of it in important matters. But Caesar was permitted, in fact though probably not in theory, to control elections to the curule magistracies. After Munda the Senate offered him the right of nomination to a part of the great offices of State, and though Caesar contented himself with commendations to the electors, there was set a new precedent which went far to eliminate the Roman People from the government of Rome. In 44 B.C. a *plebiscitum* proposed by Antony's brother Lucius permitted the elections in advance of magistrates for future years and, so far as Caesar availed himself of this permission, his nomination in fact governed the choice of the electors not only in the present but for the future. The old forms remained.

Antony as augur prevented the election of Dolabella in 44 B.C. as *consul suffectus* to Caesar himself. On the last day of December 45 the consul Q. Fabius died, and the dictator caused a new consul to be elected in his stead for the remaining hours of that year. Needless to say Cicero made this the occasion for bitter jests[1], and though it is reasonable to suppose that Caesar was moved by formal correctness rather than by the desire to make the consulship ridiculous, his action showed how little he cared what construction might be placed upon it. In fact the dictator's patronage extended throughout the State with the possible exception of the tribunate.

Of less moment, but not without some significance, was the right conferred on Caesar to create, or nominate for creation, new patricians. Some reinforcement of the patriciate had by now become practically necessary, and it was natural to entrust the task to the *dictator rei publicae constituendae*. But Caesar's enemies might well point out that for a precedent it was necessary to go back to the traditions of the ancient monarchy. Increases in the number of magistrates—the quaestors to forty, the praetors first to ten, then to fourteen, then to sixteen—justified as they were by the needs of Rome and of the provinces, added in effect to the dictator's patronage. The priestly offices which Roman nobles coveted as social distinctions became the rewards of Caesar's favour. Although it would be too much to say that he formed out of the few men in his confidence an *imperium in imperio*, it was galling for men like Cicero or still more for aristocrats with centuries of consulships behind them to wait in Caesar's ante-room or address themselves to men like Oppius and Balbus who had the ear of their patron. The flood of compliments poured on Caesar washed away some of his defences. Although in general he was possessed of rare tact and polished manners, servility aroused in him moments of arrogance. When early in 44 B.C. the *patres* went in procession to announce to him a new grant of honour, he failed to rise at their approach, and the excuses advanced for this behaviour cannot have satisfied those who were ready to be affronted. His ceaseless clear-headed activity till the end disposes of the legend of him as the pathological study in diseased greatness which Shakespeare has read out of his Plutarch, but in small matters he yielded now and then to vanity which would have been harmless except in one whose position challenged the traditional pride of an aristocracy. An enemy attributed to him the saying that the Republic had become a form without substance; and it was perilously near the truth. He had drained the life-blood of the State into his dictatorship—'dictaturam' wrote Cicero 'quae iam vim regiae potestatis obsederat[1].'

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[1] *ad fam.* VII, 30, 1–2.

But in the fact that he vested his power, present and future, in the dictatorship lay his danger. The dictatorship of Sulla had always been an offence to constitutionalists, but his abdication had confirmed the tradition that the office did not last beyond the emergency which made it necessary. For this doctrine Caesar showed less and less respect. He had been dictator and had abdicated on becoming consul for 48. He had been made dictator again after Pharsalus and had been slow to surrender his powers. Then came the conferment of the office for ten years: that was going far enough. But when his friends in 44 B.C. voted in the Senate that he should be dictator in perpetuity they did him an ill turn, and he did himself an ill turn when, as his coins show, he accepted what was offered him[2]. Powers which strained the content of the dictator's office combined with permanence which violated its very nature were enough to make good constitutionalists see in Caesar a tyrant. Finally, as the dictatorship was an emergency office, it was not so woven into the fabric of the State that it could not be removed without destroying it. With the abdication of a dictator the State simply resumed its normal course. The officers who depended directly upon him vanished at once, and all was as before. Thus those who saw in Caesar's dictatorship the cessation of traditional government believed that one thing only was needed to restore it, and that was to remove the dictator, since he would not remove himself.

How far Caesar realized the danger to his life, it is hard to divine. Subtle as he had been where intrigue was the only way, it was not in his nature to cloak his power once he possessed it. In his first consulship he had at last broken out into open triumph over his enemies. To his sense of power, the prize of his genius, he would not be untrue. There is much self-revelation in the phrase he used to explain his clemency to his opponents—'I wish for nothing more than that I should be like myself and they like themselves[3]'—a phrase which finds an echo in the letter of the faithful Matius after Caesar's death[4]. And with the sense of power came an impatience with indirections. Once in the saddle he would ride hard, even if it meant riding for a fall. He was conscious, too, of the services which he could render to the State, and it may have been hard for him to realize how blind men could be to the need of him. That he was not loved by the Roman aristocracy he knew well enough, and he was well aware that proud men are not often won by pardon. Though he had proclaimed an amnesty, defeat still rankled. But it might have seemed to him unreason to exchange a Caesar for a competition for power between an Antony, a Lepidus, a Brutus or a Cicero. Moreover, the Senate had voted him the sacrosanctity which belonged to the tribunes and the Senators had bound themselves by an oath to protect him from hurt. He dismissed the Spanish horsemen that had been his military bodyguard, and moved freely about the city in apparent confidence and security. For if he was to be treated as a tyrant he would not suffer the tyrant's punishment, to live in fear.

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[1] *Phil.* I, I, 3.

[2] Volume of Plates iv, 12, *h*.

[3] *ad Att.* IX, 16, 2.

[4] *ad fam.* XI, 28, 8.

VII. THE CONSPIRACY AND THE IDES OF MARCH

How long before the Ides of March there was a conspiracy against Caesar's life it is hard to say. Cicero's letters show that the Roman aristocracy was a whispering gallery, and yet, though more than sixty men were in the plot, the deadly secret was kept. In the summer of 45 Brutus was ready to defend Caesar, and it would take time to make Brutus forget his benefactor in remembering the Brutus who had overthrown the Tarquins. It is reasonable to assume that it was not till after Caesar's return in triumph over Pompey's blood that the plot was begun. The beginning of the year 44 was filled with preparations for Caesar's departure to the East. It is possible that along with Caesar's other motives went the desire to exchange the air of Rome heavy at once with exaggerated compliments and with suspicion and ill-will for the camp and the legions that he knew he could trust. His enemies knew that the time was short if they would strike while the blow could be sure and might be safe.

To analyse precisely the motives of the conspirators is a thankless task. Cassius was a man of capacity and determination whose pride would not brook the most honourable subordination. Brutus was a compound of tradition and philosophy set in a rigid nature which imposed on Cicero by the attraction of opposites. That he had been Caesar's decoy for the aristocracy is not proved, nor that he was swayed by a sense that his services had been insufficiently rewarded. But he had no eyes for anything beyond the negative duty and the dull simplification of tyrannicide. What motives of pride, of thwarted ambition or vulgar envy were mixed in the natures of other of the conspirators it is unprofitable to inquire. That there was much honesty and idealism, however perverted, cannot be denied. Men like Trebonius and Decimus Brutus owed everything to Caesar and were marked out to high distinction by his favour. Caesar was marked down for death, and he alone. The decision of the conspirators to leave Antony untouched is capable of more than one explanation. To remove the dictator and leave the consul suited constitutional theory; Antony was ambitious enough to sacrifice Caesar's memory to his own advantage, and the legions might listen to Antony; to kill any man but the tyrant was to turn a sacrifice into an assassination. Of the young Octavius in Apollonia no one thought.

What followed during the last three months of Caesar's life was preparation for the act. If Caesar was tyrant he was a beneficent tyrant. The Roman People, in whom the conspirators too readily saw the source of power, might resent Caesar's removal more than they resented his rule. Yet among the populace at Rome, by the side of an idolatry of Caesar which broke out after his death, there was the ancient hatred of monarchy born of historical tradition and fed by the spectacle of client kings, whose kingship meant to the Romans the denial of freedom to their subjects. That, at the moment at least, Caesar aimed at converting a Republican autocracy into a formal monarchy is a hardy hypothesis. Napoleon, who was no bad judge, has pointed out that the eve of a prolonged absence is not the moment to subvert a constitution. But to insinuate the design and at the same time to bring the dictator into collision with the tribunes, the traditional guardians of liberty, was a game worth playing. To ancient theorists and moralists who believed that the art of the statesman is dissimulation it was natural to suppose that Caesar inspired the tragicomedy that followed, but we are entitled to place a more reasonable interpretation upon the facts.

First came the placing of a diadem on Caesar's statue and its prompt and ostentatious removal by the tribunes, Flavus and Marullus, as an outrage on democratic liberty. Then, as the dictator was returning on January 26 44 B.C. from celebrating the Latin festival as consul the cry of 'rex' was raised. Caesar tried to turn it off with an easy phrase—'non sum rex sed Caesar'—which might seem no more than a casual half-jesting evasion, but perhaps betrays Caesar's scale of values. The tribunes hastened to arrest the man who was said to have raised the first cry. Their action made the cry more dangerous, and there is no reason to doubt that Caesar was more than displeased. He had renewed ground for anger when they issued an edict declaring that their prerogative of free action had been infringed. Thereupon Caesar attacked them in the Senate and the tribune Helvius Cinna proposed and carried their deposition. Two new tribunes were elected to take their place. Thus the insinuation that Caesar aimed at becoming *rex* was emphasized, and with it the clash between the dictatorship and the tribunate.

Three weeks later came the Lupercalia, when the consul Antony offered Caesar a diadem which he ostentatiously and repeatedly refused before dedicating it to Juppiter Capitolinus, the only king of the Roman People. More than this, he caused to be inscribed in the Fasti that M. Antonius, consul, at the People's bidding had offered kingship to C. Caesar, dictator in perpetuity, and that Caesar had refused to accept it. Of this incident the simplest explanation seems to be the truest, that Caesar had realized the danger and decided to conjure it once for all. Had he planned a *coup d'État* the Lupercalia would have ended otherwise. The Roman People, as their later behaviour showed, were not convinced that when Caesar fell he would not fall as a would-be Tarquin. One device remained—the Sibylline books.

Twelve years before, when Pompey was credited with a desire for the profitable task of restoring a Ptolemy to Alexandria, his enemies had produced an oracle that the king of Egypt must not be restored 'with a multitude,' that is 'with an army' (p. 531). In February 44 B.C., two things were public knowledge, that Caesar intended to march against Parthia, and that he had definitely refused an offer of kingship. A vague phrase in the Sibylline books was found, and the Quindecimvir L. Cotta was ready with the interpretation that the Parthians could only be overcome if the Romans were led by a king. It was a dilemma. That Caesar would forgo his campaign was out of the question, but if he disregarded the interpretation of the Sibylline books, its publication would arouse the superstitions of the people and perhaps of the soldiers. Ten years before, Crassus had set out against Parthia; he had left Rome under the solemn imprecations of a tribune, and he and his army had met with disaster. Until the interpretation was reported to the Senate it was a secret of State which could afterwards be dismissed as an idle rumour, but it was an open secret, and known to the dictator[1]. He found a solution: he would march against Parthia as a king but would not go back on his solemn refusal at the Lupercalia: he would bear the title of king not in Rome, but in the Provinces and client-states. That was the answer to be given when the interpretation was reported to the Senate. All that remained was to spread the rumour that Caesar would make Ilium or Alexandria his capital[1]. The battle of wits was over, the conspirators were forced to strike at once, and the comedy was turned into tragedy on the Ides of March.

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[1] Cicero, *ad Att.* XIII, 44, 1 (July 45 B.C.) 'Verum tamen scire omnia non acerbum est, vel de Cotta' has been adduced as a reference to the interpretation of the Sibylline books. If that is so, then the idea was not first conceived in February 44. But in that letter (3) come the words 'Cottam mi velim mittas' in which Cotta presumably means 'a book by Cotta'

On the evening before the Ides Caesar dined with Lepidus, and as the guests sat at their wine someone asked the question 'What is the best death to die.' Caesar who was busy signing letters said 'A sudden one.' By noon next day, despite dreams and omens, he sat in his chair in the Senate House, surrounded by men he had cared for, had promoted or had spared, and was struck down, struggling, till he fell dead at the foot of Pompey's statue.

Caesar died the martyr of his own genius. The versatility of his intellect matched the steadiness of his will. A fine gentleman free from the less elegant vices, an antiquarian, a purist in language, a man of letters, a consummate politician, an administrator and a soldier, he was all these as the moment demanded and was each of them with easy mastery. The chances of time have denied us any portrait made of Caesar in his life, but Suetonius has left on record

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possibly not the Quindecimvir. It seems difficult to suppose that 'Cotta' has not the same meaning in both sentences and has no reference to the Sibylline oracles. It is also *a priori* improbable that a discovery of importance to the State would not be reported to the Senate before the Ides of March 44 if it was made in July 45. Apart from that, the ancient authorities refer to the rumour of the oracle in connection with the events of the six weeks preceding Caesar's death. This may only be in order to support the tradition (here rejected) that it was part of a plan by Caesar or his friends to procure for him the title of king, but it suggests that there was no rival tradition about the date of the discovery of the oracle.

[1] Similar rumours, with equal ground, were spread abroad under Augustus (cf. Horace, *Odes*, III, 3). Nicolaus asserts that the rumour about Alexandria was refuted by Caesar's will. Unless Caesar intended to make a new frontier much farther East—and of this there is no evidence—there was no advantage to be gained by moving the capital. And indeed the mention of Ilium along with Alexandria goes far to remove the allegation from actuality. When Cicero (*ad Att.* XV, 4, 3), in a moment of depression, was inclined to regret the Ides of March—'ille enim numquam revertisset'—we may suppose that he had not in mind Caesar's governing Rome as an autocrat from Alexandria, but an optimistic hypothesis that he would never come back from his campaign.

his tall figure, his clear complexion, his dark eyes with their quick glance, the studied, almost foppish, elaboration of his dress. His mind is mirrored in his acts and in his words. His culture, his ideas were Roman not borrowed from the Greeks. Hard-headed as his race, practical, positive, he was no dreamer nor ideologue. Among his exploits he lived intensely, as his writings show, an artist of action, alert with a *vivida vis animi*. No man has ever been so determined to impose his will on others and no man has been so gifted by nature for the achievement of his purpose.

Alexander alone in antiquity rivals Caesar in the range and speed of his exploits:

fu di tal volo
che nol seguiteria lingua nè penna.

It was inevitable that he should be compared with Alexander because of his victories and because of his death, cut off as he was in the plenitude of his power as was Alexander in the midst of his days. Yet the likeness between them belongs to rhetoric rather than to history. The story went that as praetor in Spain Caesar had lamented that he had achieved so little by the age at which Alexander had died. Beyond that, there is no evidence that Caesar set Alexander before himself as his model. There are no good grounds for supposing that his project to march against Parthia was in imitation of Alexander's conquering invasion of the Persian Empire. Gossip that Caesar dreamed of returning from Parthia past the Caspian to Scythia and then through Germany back to Gaul may be evidence that the Alexander-legend was strong, but it is evidence of nothing else. In judging Alexander it must not be forgotten that he was not the heir to Greek tradition. The old Greek advice of Aristotle to be a leader to the Greeks, a master to the barbarians, fell on deaf ears. The Greek ideas of Alexander were new ideas, the ideas of the unity of mankind. Caesar was a Roman aristocrat, steeped in the Roman tradition of reasonable, calculated, but inflexible domination, the belief in power rather than in conquest, in the extension of Rome to the Romanized, in steady progress but in continuity of policy.

His ambition was compounded of the Roman desire to achieve the distinction which his birth and genius claimed for him and of an unresting zeal for good administration and the greatness of Rome. In his clemency there may have been a touch of contempt, a masterful challenge of the future. The cold prudence of the maxim 'Stone-dead hath no fellow' would have belittled him. For men of his own aristocratic stamp or for men who followed the trade of arms, which was nearest to his heart, he had a generous sympathy. But he did not hesitate to requite craft with deeper craft or to strike terror by cruelty if barbarians crossed him. There can be no doubt that in his *Commentaries* he was an advocate for Caesar. But he deceived others as little as might be, and deceived himself not at all. The politicians of his day found him hard to trust, because they could not but see that his appetite for power grew with eating, and they judged him by themselves. To the end he remained to them incalculable. Yet his genius was the hard practical genius of Rome raised to the highest power: he was a keen edge on the old blade.

But he reached power late, too late for patience. The impulses of fifteen years of tremendous activity still spurred him, but he was tiring; 'satis diu vel naturae vixi vel gloriae[1].' His health was breaking, he had few friends and no one whom he would trust to help him bear the burden as Octavian was to trust Agrippa. For this reason he could not admit Time to his counsels, nor share them with others. Thus he became, in a sense, un-Roman in the last year of his life. There came the clash between his genius and the Roman steady tradition, and in the clash he was broken, with plans unachieved and plans unmade.

He had shown the world the greatest of the Romans, but he was not the creator of a new epoch. Whatever he might have done, he had as yet neither destroyed the Republic nor made the Principate. His life had set an example of autocracy which his death converted into a warning. The civil wars that followed the Ides of March prepared the way for a statesman who was the heir to Caesar's name, the avenger of Caesar's death—but no Caesar. The aristocracy was almost destroyed, the legions became the servants of a man who was not a soldier first. The Roman world became ready to welcome the Empire that was peace. Caesar had done much for the State in his reforms, but he did Rome no greater service than by his death. The cruel years during which Octavian fought his way to undivided power were the last blood-letting of the body politic. A spark of Caesar glowed smokily in Antony and was extinguished: there remained Octavian.

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[1] Cicero, *pro Marcello*, 8, 25.

CHAPTER XVIII

LITERATURE IN THE AGE OF CICERO

I. GENERAL

IN histories of Latin literature, the last century of the Republic is often described as the Ciceronian age; and the great orator has perhaps as much right to furnish an eponymous title as Chaucer or even Shakespeare. Prose and poetry had long ceased to depend on the freedmen attached to some man of rank; the nobles and knights had taken Roman literature into their own hands. In the sphere of oratory, there was no doubt a practical incentive—Cicero himself, in his early years, treated other forms of art as a preparation for a political career—but his interest in poetry, history and philosophy was also the mark of a culture shared by Roman society in general. This literary circle was, in fact, a close and fairly small corporation of which Cicero became the acknowledged head. Rival orators, like Hortensius and Calvus, were of course known to him professionally; but literature was the chief—perhaps the only bond—which bound him to such men as Varro and others whose connection with State affairs was slight. The respect paid by Caesar to Cicero as well as to the Pompeian Varro is not only a proof of the dictator's personal magnanimity, but an honour duly paid to literature through its two chief representatives.

During Cicero's lifetime there were many special developments in the style and composition of both poetry and prose, which can best be studied under particular names; but there are certain general considerations that apply to the writers of the period as a whole. The main point at issue was to decide whether literature should stand on the ancient ways: whether Ennius, in verse, and Cato, in prose, should be the models of a generation, which had moved beyond the ideals and even the language of those 'examples.' The spirit of antiquarianism may have been, in part, a legacy of Alexandria; but it was thoroughly congenial to the Roman, and indeed—in a sense—was native to Rome. For the Republic was now old enough to be interested in its own origins, and the erudition of Varro had a double significance. It implied not only that Romans should be proud of their birthright, but that they should imitate the *exempla maiorum* by carrying on the tradition of the Latin language. If the style of the Twelve Tables was too archaic for even the most enthusiastic purist to follow, the speech of Ennius and Cato might still be maintained—or recovered. Terence, in particular, became the norm of purity (*elegantia*) for those who, with Cicero and Caesar, rejected the severer forms of archaism. The problem of style was further complicated by the insistent claim of Greek words to be naturalized for poetical and philosophical needs. It is true that oratory—the most important and successful form of literature in the age—was little troubled by questions of archaism or Graecism: the speaker was obviously required to conform to *usus*, the language of the day. But, throughout the century, historians and other prose writers, as well as poets, were more or less sharply divided on the subject of linguistic propriety.

In spirit, the division was equally marked. To Cicero and other patriots, oratory, history and philosophy, however much the arts or sciences might owe to Greece, were now to be valued in terms of Roman culture. The Rome of Cicero had become the engrossing theme of literature not less than the Rome of Augustus, although the Republic, as a symbol, may have lacked the glitter of the imperial name. On the other hand, there were still some (especially among the poets) whose interest in Greek literature was almost wholly divorced from Roman values. During the protracted agony of the Marian and Sullan struggle, the detachment of a Lucretius, the self-absorption of a Catullus, are signs that Greek poetry was still able to command the undivided allegiance of many who thought most acutely or felt most profoundly.

II. POETRY

The names of Lucretius and Catullus are a sufficient reminder that the age of Cicero was not merely prosaic; but the wide interest in poetry is best indicated by the fact that few of the many orators and prose writers in the period were not also practitioners of verse. No doubt the practice had its dangers: Julius Caesar was deemed more fortunate than Cicero because (like Brutus) he wrote not better but fewer verses; and Augustus was perhaps wise in suppressing these indiscretions[1]. But Varro, Sisenna, Sulpicius Rufus (the great jurist), Q. Cicero—more persistent than his brother—Hortensius and Cornelius Nepos are only some of those who included poetry with other forms of literature. The chief influence was drawn from Alexandria. This was inevitable, since the social and political conditions of the Greek city-state were now remote, whereas the art of the Ptolemaic kingdom could be readily assimilated by Romans. Scholars, such as the two Ciceros, of course admired and translated or imitated the Attic tragedy; but the classical play gave little satisfaction to the popular taste. Although Aesopus, in tragedy, and Roscius, in comedy, won high reputation as actors, the age produced no rival of Accius. Indeed, the Roman stage was occupied by revivals of the plays of Ennius, Pacuvius and still more of Accius himself[1]. Much has been written to account for this decline in drama between the periods of Accius and the Augustans, the simplest explanation being that, while poetic genius was certainly abundant, it was diverted—as in the Victorian age—into more congenial paths, until the *Thyestes* of Varius and the *Medea* of Ovid attempted to recapture the form, if not the spirit, of Sophocles and Euripides. In any case, there was little to encourage serious drama at a time when acted tragedy was tending to be supplanted by the later pantomime in which a silent actor 'danced' his part.

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[1] Tacitus, *dial.* 21; Suet. *Div. Iul.* 56.

Only a single form of drama—the Mime—found favour in this period. Here DECIMUS LABERIUS (105–43 B.C.), a Roman Knight, and PUBLILIUS SYRUS, an enfranchised slave who became an actor, gained distinction in a *genre* which, although cultivated by Herodas and other Alexandrians, seems to have been completely Romanized. Unlike the Atellan play which it superseded[2], the Mime dispensed with stock characters and masks; and—an even more notable innovation—feminine parts were taken by actresses. According to Ovid, the plots were drawn from love-intrigues, and the author of the *Art of Love* complained that he had been punished for a licence permitted to the Mime[3]. It may seem surprising that these musical farces—they were often acted as interludes—should have won their way into literature; but Laberius gave them at least a passing dignity. Commanded by Caesar to play in his own mime, as a penalty for some slighting allusion to the autocrat, he expressed, in a prologue of great force, his feeling of shame at the insult of compelling a Roman Knight to return home an actor:

> Citizens, henceforward Liberty is lost.

In these lines his Latinity is impeccable, but we know that Laberius often had recourse to the plebeian vernacular which was afterwards exploited by Petronius. His diction, no less than his

[1] See Tenney Frank, *Life and Literature in the Roman Republic*, p. 60 *sq.*

[2] Cicero, *ad fam.* IX, 16, 7.

[3] Ovid, *trist.* II, 497 *sq.*

anti-Caesarian politics, was doubtless the ground of Horace's contempt[1].

His successful rival, Publilius, being a freedman, was not too proud to act; but he was also a writer, celebrated for his moral apophthegms (*sententiae*); and numerous fragments, of which the greater part are accepted as authentic, have been preserved from a collection made in the first century of the Empire, and much used in schools. Verses like

iniuriarum remedium est oblivio

and

numquam periclum sine periclo vincitur

with many others after the model of Menander and Terence, suggest that Publilius, at least, was no party to the later degradation of the Mime.

The age of Cicero produced two poets who would give distinction to the literature of any nation. To add the name of Cicero himself may well seem a bathos, since the orator became a by-word for his *ridenda poemata*. Possibly this criticism (which became common form among the writers of the Empire)[2] was mainly due to a couple of lines, one of which—*o fortunatam natam me consule Romam*—may well deserve the ridicule of Juvenal and Martial. But a critical method relying on 'the worst lines in poetry' would debar Wordsworth or Tennyson from the rank of a poet; it is fairer to recall Plutarch's observation that for a time—presumably before Lucretius and Catullus—Cicero was held to be the best poet, as well as the best orator, of Rome[3]. This remark is often regarded as a condemnation, in effect if not intention, of Roman poetry at the time; but Cicero's own achievement by no means warrants the censure. Formally, he did conspicuous service in refining the roughness of Ennius—his fault, indeed, was rather in a certain smoothness tending towards monotony, as may be seen from his early translation of Aratus' *Phaenomena*, followed by that of the *Prognostica*. A style that influenced Lucretius is not lightly to be despised[4]. In later years his poetry became the self-glorification of his own consulship (*de suo consulatu* and *de temporibus meis*); and it was these poems, in particular, which injured his reputation. Even when he suppressed his own deeds, in eulogies of Marius and Caesar, it is clear that he suffered from the fatal Roman habit of viewing poetry as a species of history. But Cicero, if never inspired as an original poet, was at all events an extremely competent translator. And he has the great credit of getting beyond Aratus to the masterpieces of earlier Greece. His renderings, starting chronologically with Homer's Siren-song, include passages from all the three great tragic poets. Among these translations, we no longer possess the original of the *Prometheus Unbound*; but Cicero's version beginning

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[1] Horace, *sat.* I, 10, 5.

[2] Seneca (rhetor), *exc. contr.* 3 *praef.* 8; Seneca, *de ira*, III, 37, 5; Quintilian, XI, 1, 24; Tacitus, *dial.* 21; Martial II, 89; Juvenal X, 124.

[3] Plutarch, *Cic.* 2.

[4] See Munro's ed. of Lucretius, vol. II, p. 2, and on book V, 298, 619. His imitation of Cicero seems certain; see W. B. Sedgwick in *Class. Rev.* XXXVII, 1923, p. 115 *sq.*

Titanum suboles, socia nostri sanguinis

has a vigour and directness of language which gives the impression that his verses, although they may lack the delicacy of the original, are a faithful rendering of the Aeschylean grandeur. His translation of Aratus was no doubt the work which brought him the recognition mentioned by Plutarch; and sufficient of this remains to justify Cicero's place among Roman poets. Aratus, who has ceased to interest the modern world, had a peculiar appeal to ancient readers, as Virgil bears witness in the *Georgics*; and, while Cicero does not reach the height of Virgilian charm, he has a strength and beauty of his own which compares very well with the rather tame facility of his original.

An admirer of Ennius and Pacuvius, as well as of Plautus and Terence, Cicero was before all things a traditionalist in poetry. Nevertheless he was writing—as he spoke—not for antiquity, but for his own day; and he avoids the sometimes excessive archaism of Lucretius. His aim was obviously to carry on the inheritance of Ennius, without copying the uncouthness of the old school. On the other hand, he had no sympathy with the new Alexandrian fashion which Catullus and his friends were now imposing on Latin verse. No stress can be laid on the fact that he never mentioned the rising poet of Verona, who had thanked him, for some service, in a few graceful lines of acknowledgment—it was not Cicero's way to talk much of contemporary poets. But he was sarcastic about the affected cadences for which the 'echoers of Euphorion'—*cantores Euphorionis*—were notorious[1]. The leader of this 'neoteric' school was P. Valerius Cato, who, like Catullus, was a Cisalpine. Of his own poetry, no undisputed fragments remain; but his influence as a teacher in fostering the spirit and technique of Alexandria is attested by the eulogy of a friend or pupil—possibly M. Furius Bibaculus—who calls him 'the Latin Siren, the only reader and maker of poets.'

Cicero himself, as the translator of Aratus, could not have resented the chief feature of the Alexandrians—their didactic erudition. But he had no sympathy with their affectations, which ill accorded with the dignity of the Ennian hexameter. Whatever may be our view on Cicero's own poetic powers, it is clear that his appreciation of poetry was neither deficient, nor, in the main, unsound. If his strong patriotism led him to undervalue the neoterics, he seems to have done justice to Lucretius as an example of genius combined with art[1]. In his enthusiasm for 'the studies which educate the young, and delight the old; which adorn prosperity, and give a refuge and a consolation to adversity'—*pernoctant nobiscum, peregrinantur, rusticantur*[2]—Cicero is speaking on behalf of a poet; and he seizes the occasion for a splendid defence of his client's profession, before an educated jury who may well have excused a peroration so foreign to the atmosphere of a modern court. His patronage of poets, attested by Pliny (*ep.* III, 15), is not the least pleasing feature in the great advocate who held that the orator and poet were kinsmen.

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[1] Cicero, *Tusc.* II, 10. For the 'Neoterics' see further, p. 751 *sq.*

The life of the most famous poet in this period, T. LUCRETIUS CARUS, is practically unknown. Our chief authority is a passage in Jerome's continuation of Eusebius' Chronicle (apparently derived from Suetonius), where he is said to have been born in 95 B.C., and to have died 52–51 B.C. Other late evidence is conflicting; but it seems probable that the poet's lifetime falls within the limits of 99–54 B.C. His parentage and birthplace are nowhere stated; but he was no doubt a patrician, as the *gens Lucretia* was among the noblest—though some of its families seem to have been plebeian—and his tone towards Memmius, the praetor to whom he dedicates his poem, is that of an equal rather than a client. Jerome adds that Lucretius wrote in the intervals of madness induced by a love-potion; that this was followed by suicide, and that his poem was afterwards 'emended' by Cicero. These statements are possible, but suspect: the *de Rerum Natura* bears no traces of insanity, although it ends abruptly and needs revision throughout. The charge of madness may well be due to a dislike of Epicureanism—the *insaniens sapientia* of Horace's recantation—aided perhaps by a confusion between two senses of *furor*, which may mean either poetic inspiration or physical madness. In Statius (*Silvae*, II, 7, 76)

et docti furor arduus Lucreti

the former sense is of course intended, and this criticism—that the poet showed both learning and genius—is borne out by

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[1] See below, p. 747.

[2] Cicero, *pro Archia*, 7, 16.

Cicero's one reference to Lucretius. In a letter written to his brother (54 B.C.), the poem is described as *multis luminibus ingenii multae tamen artis*. The compliment is high: Lucretius is allowed the genius of the old school represented by Ennius, while he nevertheless (*tamen*) has more art than Ennius, who was proverbially 'rude.' As Cicero had himself refined this rudeness, he naturally welcomed the Lucretian improvements, which largely followed his own technique. Owing to the habit of contrasting genius and art, a poet was more often placed in one of these two categories than allowed an equal share in both. With this appreciation, it seems not impossible that Cicero—in spite of his dislike of Epicurean philosophy—may have lent his name (or his slaves) to the publication of the book.

In the middle of the century, Epicureanism was certainly fashionable among the ruling class, and was adopted by such men as Piso, Atticus, Pansa (Caesar's general) and—at least unofficially—by Caesar himself. The school counted two distinguished Greek teachers, Phaedrus and Philodemus, and its principles had been expounded in the prose of Amafinius and others. But an Epicurean poem was a new experience, not attempted by the Greeks themselves, who had followed the severe prose of their own master. Even Lucretius found it a hard task to extract poetry from the atomic theory, and must have been hindered rather than helped by the bald style in which Epicurus revealed his 'divine discoveries.' As a poet, he went back to the Greece of the fifth century—to Empedocles, for whose poem on Nature he expresses the warmest admiration (I, 716 *sq.*), although the philosophy of the great Sicilian could not be reconciled with his own. His more immediate model was naturally Ennius; and in fact he may be called the last adherent of the true Ennian tradition. Compared with Virgil, and even with the verse of Cicero, his archaisms, both in language and grammar, are very striking. He was obliged, like Cicero, to neologize—*propter egestatem linguae et rerum novitatem*—in translating philosophical terms; but his normal idiom is far older than contemporary use, nor had he any sympathy with the Alexandrian movement. In his treatment of the hexameter, he shows more variety than Catullus, although (with all pre-Augustans) he is too apt to make the sense coincide with the line, while his rhythms are often loose and jagged.

The whole history and criticism of Greek poetry from Hesiod to Aratus had supported the poet's claim to teach; and the *De Rerum Natura* is frankly and proudly didactic. Lucretius is only concerned to teach delightfully, offering a honied cup to conceal the taste of the medicine (I, 936). Some part of the draught is 'bitter' enough. The reader is not spared the *minutiae* of atomism in the first two books; of psychology, in the third; of sense-perception, in the fourth. It is not until the middle of the fifth book—after some very primitive astronomy—that the subject becomes humanistic, in the wonderful description of man's origin and progress from savagery to civilization. Yet, in spite of this unpromising material, the poetry is never, for long, in abeyance. His 'digressions' are much more than the quiet resting-places that they have sometimes been called. They are rather the very essence of a poem in which physical details have only value in terms of humanity. Lucretius knew that man, if not the measure of all things, is at least the measure of all poetry.

Epicurus himself had regarded a knowledge of the Universe as important only for its ethical significance. His follower, being a poet, goes deeper. Although no Epicurean approached the conception of science for its own sake, Lucretius is plainly awed by the 'majesty of things'—by the grand phenomena of

> Moon, day and night, and the austere signs of night,
> Night-wandering fires and rushing flames of heaven.
>
> *luna, dies et nox et noctis signa severa*
> *noctivagaeque faces caeli flammaeque volantes.* (V, 1190–1.)

And, from contemplating the *flammantia moenia mundi*—the fiery ramparts of the Universe—he can pass, with equal insight and enthusiasm, to the nearer aspects of Nature. The bare philosophic statement—'nothing returns to nothing'—is vivified by a picture of Nature's eternal restoration, seen in the growth of crops, the singing of birds, the lambs frisking in the fields[1]. The differences of atomic structure are illustrated by the shells 'that paint Earth's bosom, where the sea with lapping waves beats on the thirsty sand of the curven shore[2].'

But, although every phase of Nature, great or small, has an interest to Lucretius, his real concern is philosophic—to explain man's relation to the Universe; and his place as a poet must ultimately be judged by his power of reconciling the ancient quarrel between poetry and philosophy. The first object of the *De Rerum Natura* is to dispel man's fear of angry or capricious gods during life, and of their vengeance after death. The Epicurean theology, with its gods far removed from all participation in human affairs, might well have seemed an unfruitful subject for poetic imagination; but, at least negatively, it inspired Lucretius with a burning hatred of superstition, summed up by his indignant comment on the sacrifice of Iphigenia, in the famous line

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[1] I, 250 *sq.*

[2] II, 374–6.

tantum religio potuit suadere malorum. (I, 101)

But the magnificent passage containing this line is not merely negative. It stands in the very forefront of the whole book, as an invocation to Venus—not, of course, the goddess of popular cult, but (as Tennyson saw) the personification of Nature in her unifying and creative power, contrasted with the disruptive agency of Mars, the god of strife. In strict logic, no doubt, this invocation is unphilosophical; but here, as often, Patin's phrase—*L'anti-Lucrèce chez Lucrèce*—is to the point, and we need search no further for a parallel than the Miltonic Urania.

Just as we have no reason to fear angry or capricious gods, so we can meet death without apprehension. Nowhere, perhaps, in the whole poem, does Lucretius rise to a higher flight of poetry than in the third book, when he fights against the fear of annihilation—not, as is sometimes thought, with a desperate fortitude, but rather with a fervour which may be called triumphant, reminding us of Walt Whitman's apostrophe to Death, but without the exaggeration of that 'low and delicious word.' The tone of Lucretius is stronger, more virile, than that of his master, whose attitude has been well described as that of placid indifference, not unfairly represented by Swinburne's famous lines in the *Garden of Persephone*. Briefly, his argument is that where we are, death is not; where death is, we are not: *nil igitur mors est ad nos, neque pertinet hilum*—itself a commonplace of the school. But the splendid Consolation (as it may be called) which this line introduces must always remain one of the greatest achievements of poetry. The theme itself is simple: each man has his day, and must be content to leave, in due time, like a banqueter well-sated with his feast: but no translation can do justice to the poetry with which this idea is clothed. Lucretius can be hard on the coward who clings to life; still harder on the rich idler, bored in turn by his town-mansion and country-house, and unable to enjoy aright his allotted years. Yet, in spite of his rigid Stoicism (for here the rival schools agree) he does not forget the sadness of death—but the sorrow belongs to the living mourners, not to the dead:

No longer will thy home and loving wife
Welcome thee back, nor will thy children dear
Hasten to snatch a kiss, filling thy heart

With silent gladness. Gone thy fortunes, gone
The safety of thy house! O wretched man,
One luckless day hath stolen utterly
The prizes of thy life. So men complain,
But add not 'And for thine unhappiness
No yearning doth beset thee any more.' (III, 894–901.)

Lucretius is no Leopardi; and to call him a pessimist is simply a misuse of language. The lines just translated shew that, no less than Virgil, he can feel the tears in mortal things; and there are other passages which stress the sorrows and dangers of human existence in a decaying world. But much of the sorrow is of man's own making, and his unsparing comment on human frailty marks the satirist as well as the poet. The evils of luxury and ambition, the base dominion of a worthless love, in which *surgit amari aliquid quod in ipsis floribus angat* (IV, 1134); the whole picture of a mistress concealing from her lover what 'is behind the scenes' —*vitae postscaenia*: all this is drawn in a spirit worthy of Juvenal. None the less, Lucretius never wavers in his belief that life may be well lived, by following the precepts of Epicurus; and, if enthusiasm is not in itself sufficient to create a poet, still the fervid energy infused into a rather flaccid creed is not the least sign of that 'divine fury' which has raised Lucretius to the rank of Dante and Milton.

In style, subject-matter and outlook on life, no poet could differ more entirely from Lucretius than his younger contemporary, C. VALERIUS CATULLUS (87 or 84 to 54 B.C.). Like Virgil and several other poets of the time, he was a native of Transpadane Gaul, which did not receive the rights of Roman citizenship until some years after his death. But except in political status, Verona and Mantua had long been completely Roman, and Catullus spent most of his short life in the capital. His father was the friend and host of Caesar, and Catullus must have inherited his wealth, as—although he makes the fashionable complaint of poverty—he owned at least two villas, and his Roman associates, as well as his mistress, were of high rank. He was on more or less friendly terms with the leading statesmen of the older generation —including Cicero and Hortensius—but he seems to have felt no ambition for a public career, although he served on the staff of Memmius the governor of Bithynia (57–56 B.C.). In spite of the family connection, he was opposed to Caesar, whom he attacked both directly and through his favourite, Mamurra. But Caesar thought it worth while to make advances, and a reconciliation took place shortly before the poet's death.

On the formal side of his art, Catullus must be classed as an Alexandrian. The school was well established before the middle of the century; and the verse of Lutatius Catulus (about 100 B.C.) was modelled on one phase of Alexandrianism—the erotic epigram. More important, in this vein, were the love-poems of Laevius, whose activity belonged to the beginning of the century. His chief poem—the *Erotopaegnia*, in various lyric metres—may have influenced the generation of Catullus, which included several poets of considerable fame in their own day. Of these, two at least deserve mention: C. Helvius Cinna and C. Licinius Calvus—both intimate friends of Catullus. Cinna was perhaps the most 'Alexandrian' member of the school, if we may judge by the references to his celebrated poem, *Zmyrna*. We are told that he spent nine years on polishing this piece of erudite affectation, which gave material for commentators as soon as it was published. Much more regrettably, the poems of Calvus have also been lost. Although he was perhaps better known as an orator than poet, his fame in poetry was sufficient for Ovid to bracket him with Catullus; and these two are always named as the leaders of the new school.

It was mainly by virtue of mythological learning that Catullus earned his title of *doctus*, although the epithet was appropriate to any poet both as 'teacher' and artist. His longest work, in this kind, was the *Marriage of Peleus and Thetis* (LXIV), a rather involved and mannered poem in hexameters. The subject, in part, is a description of tapestry—including the story of Ariadne—and the whole treatment suggests a study of wall-paintings in the Pompeian style. Even so, there are signs that Catullus could observe Nature at first-hand. There is real beauty in his picture of a Mediterranean scene, 'when the morning west-wind stirs the smooth water into ridges; slowly, at first, the little waves move on, and their laughter rings with light plashing; then, as the wind freshens, they crowd together, and, as they float far off, reflect the purple light[1].' This may be Alexandrian, but it is poetry. The rhythm of the verse has often been criticized, as lacking the variety and dignity of Virgil; it would indeed be monotonous, if the poem were as long as the *Aeneid*; but the short 'epic idyll' (*epyllion*) cannot be judged for what it does not pretend to be. The hexameter has not yet been slowed down to the sober Roman majesty, but still moves with the lightness of the Homeric (not merely Alexandrian) dactyls. Lines such as

ne labyrintheis e flexibus egredientem
tecti frustraretur inobservabilis error

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[1] LXIV, 269–75. Ultimately, the simile is not Alexandrian, but Homeric (*Iliad*, IV, 422–3).

may miss the authenticity of the Virgilian note, but their lilt has a charm (perhaps, a little exotic) of their own. Another poem—the *Attis* (LXIII)—is even more un-Roman, judged by the standards of Virgil. The theme (dealing with the self-mutilation of Attis) was no doubt Alexandrian, and, although it appealed to such different Romans as Varro and Maecenas, its treatment by Catullus, in the difficult galliambic metre, makes his poem unique in extant literature.

So far, Catullus belongs to the Neoterics. But he is too great to be labelled, least of all as an Alexandrian, in the usual connotation of the term. Indeed, his essential qualities are directly opposed to the ideals of that school. The characteristic poetry of Apollonius and Callimachus is an escape from contemporary life; to Catullus, it is a passionate expression of his own life (Vol. VII, p. 272). His spiritual home is not the kingdom of the Ptolemies, but the Lesbos of Sappho. The loveliest of his marriage-songs (LXI) recalls the *epithalamia* for which Sappho was noted; and Catullus acknowledged his debt not only in the translation of her great lyric—*ille mi par esse deo videtur*—but, more subtly, in the choice of the pseudonym Lesbia for his mistress. The details of his intrigue with Clodia need not concern us, except in so far as they illustrate his poetic life, which may be summed up in his own words—*odi et amo*:

> I hate and love; wherefore, I cannot tell,
> Knowing but this: I feel the fires of Hell. (lxxx)

It is in the record of this passion that Catullus may count as the peer of Sappho, and pre-eminently the love-poet of the Roman world. Compared with Catullus—and here, at least, a comparison between two such dissimilar poets may be permissible—Horace only loved Cinara 'in his fashion,' while Tibullus and Propertius, though 'great lovers,' do not attempt the lyric note which lifts the devotion to Lesbia above the level of an unlucky affair with a doubly unfaithful Clodia. The early history of the intrigue is revealed in poems too well known to need discussion—ranging from the light 'Sparrow-song,'

> *Passer deliciae meae puellae*

and its pair

> *Lugete o Veneres Cupidinesque*

to the verse in which the poet bids his mistress live and love (*vivamus, mea Lesbia, atque amemus*)—lyrics, like those of Sappho herself, 'few but roses,' which have been a constant source of inspiration and admiration from Ovid and Martial to Ronsard and du Bellay, from Jonson and Campion and Herrick to Landor and Tennyson.

The journey to Bithynia, subsequent to the rupture with his mistress, at least diverted Catullus into other themes, and suggested several delightful poems, of which the famous address to Sirmio, written after his return, has its nearest equivalent (both for length and spirit) in the modern sonnet-form:

> Gem of the isles and forelands, on the breast
> Of liquid lake or on the unbounded main
> —Children of Neptune in his two-fold reign—
> Is it a dream? Or am I truly blest
> For joy of thee, dear Sirmio, manifest
> To tired eyes gazing on the Thynian plain?
> Oh happy day, when Care's unquiet strain
> Ends, and the longing wayfarer has rest
> —Rest in familiar bed, with quittance due
> To labour past, to perils overcome.
> Hail, lovely Sirmio! For thy master's sake
> Rejoice! And be thou joyful, Garda lake,
> Greeting him; and ye wavelets, merry crew,
> Laugh, every Laughter in our Lydian home! (xxxi)

The words *odi et amo* could be taken as the keynote of the poet's character in a wider sense than its original application to Lesbia. Catullus was passionately devoted to his friends, as is shewn by the warmth of his feeling towards Veranius (IX) and Calvus (XIV, L, LIII) and especially by the touching references to his brother's death in several of his elegiac poems, one of which—in commemoration of his visit to the tomb in the Troad—can hardly be matched as an expression of the most poignant grief (CI). On the other hand, Catullus could be unsparing to his enemies, whether political, such as Caesar and Mamurra, or personal, like the Gellius and others who lost his friendship by becoming rivals in Clodia's unstable love. On these, the poet is outspoken in his invective, not remarkable, when we remember that the fashion of the times admitted, or expected, a licence of language which included even friends in playful charges of indecency. Here Martial, who could not follow Catullus as a lyric poet, could at least equal him as an epigrammatist. As such, the older poet was no professional. He wrote his epigrams, not on a theme but on a real person, and was not careful about the 'point' which the modern epigram owes to Martial.

In any case, the fame of Catullus does not depend on these by-products of his pen. His real genius lay in the lyric expression of his own personality, untrammelled by limitations which, both for good and evil, the Augustan attached to self-revelation. He is first and foremost a 'subjective' poet, although not so much engrossed in self as to confine his lyrism to his own circumstances. It is true that he was not expected, like Horace, to put his lyre at the service of the State; but some of his finest songs are inspired, not by his own love, but by that of others—notably the love-idyll of Acme and Septimius (XLV) and the beautiful song for the marriage of Torquatus and Vinia (LXI). On one occasion, at least (XXXIV), he anticipated the Horatian hymns to Apollo and Diana, by a little poem in glyconic metre which seems likely to have been sung by a choir of boys and girls at a festival in honour of Diana:

Dian keepeth us secure,
Girls and boys unblamed and pure:
Boys and maidens pure, upraise
    Dian's hymn of praise.

Daughter great of greatest Jove,
When, beneath the Delian grove,
Leto grasped the olive-tree,
    Travailing for thee—

Born the holy mountain-maid
Haunter of mysterious glade,
Queen of leafy grove, supreme
    Over sounding stream.

Thou art Juno, who dost bring
Succour to women suffering,
Guardian of the Triple Ways,
    Moon of foreign rays!

Month by month is thy course bent
Toward the year's accomplishment,
Till each barn is filled with hoard
    Bountifully stored.

Whatsoever name hath grace
To win thee, Lady, let the race
Of Romulus, as then, be still
    Safe in thy goodwill!

The special title of *doctus* seems to imply that the Romans themselves laid more stress on the 'art' than on the 'genius' of Catullus. Modern criticism, while rightly refusing to make a sharp distinction between Form and Spirit, would rather emphasize the natural quality of the 'tenderest of Roman singers.' Nevertheless, we should do him grievous wrong by underrating his formal excellence. Some of the Alexandrian artifices may not please us more than they pleased Cicero; but the enduring merit of the Catullan school was to rescue Roman poetry from the harshness of the Ennian tradition, and to prepare the way for the polish—perhaps the over-refinement—of the Augustan age. Catullus was not, indeed, equally successful in every metrical form. His elegiacs are rougher than the graceful couplets of Tibullus and Propertius; but his favourite metres, the hendecasyllabic and choliambic, are perfect vehicles for the expression of feelings which range from the highest lyric sentiment to comments on daily life and manners. In pure lyric, his language is the educated speech of the day, with scarcely any archaism. It is even colloquial, as in the numerous diminutives which later purism severely restrained. The colour of his style was heightened by an effective use of assonance and alliteration, not unduly prominent, as in earlier verse and in Lucretius, but producing very subtle and calculated effects. For example, in the poem to Sirmio (translated above) the liquids give a unity to the whole piece, from the opening note—*liquentibus*, *libenter*, *laetus*—to the beautiful close of *Lydiae lacus*. However passionate and unrestrained he may seem, his emotion has always been recollected in the tranquillity of a perfect art.

III. CICERO AND THE ORATORS

From his boyhood, CICERO seems to have planned a political career, which could only be gained by oratory. For, although the art of rhetoric as the staple of Roman education was an end in itself, the ultimate prize of a barrister was not, as in modern life, a judgeship, but the consulate, even if the need of oratory did not stop with the attainment of that office. His early youth was occupied with the usual literary training of the times, which, we have seen, included the study and practice of poetry, and translations from the Greek. As a young man he frequented the Forum, and listened to the speeches of Crassus and Antonius, the leading orators of the day (vol. VIII, p. 421 *sq.*), and it would be interesting to know more fully how far Cicero profited by their example. Unfortunately, our chief knowledge of their style depends largely on Cicero's own account, since Antonius published nothing and Crassus very little, of which only a few passages have survived. It is clear that the orators of this period improved on the comparatively unstudied manner of C. Gracchus, whose tumultuous eloquence failed to reach the polish expected in the age of Cicero[1]. What is not so clear is the precise improvement effected by Cicero himself, apart from the periodic structure which he developed. It might well be claimed that he united the very different excellences of Antonius and Crassus, the former being famed for general eloquence, while the latter was praised for a lively wit adorning a simpler style. When about twenty-two years of age, Cicero planned a work on rhetoric, of which he completed the two books that survive under the title *de Inventione*—a dull and rigid composition which he lived to regret. One of his models—for he claims to have followed the example of Zeuxis in selecting from the beauties of several—was the treatise addressed to Herennius, a work of uncertain authorship; but Cicero's own work goes no further than 'Invention,' the 'finding' of the material proper to his subject[1].

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[1] Cicero, *Brutus*, 33, 126; Tacitus, *dial.* 18.

His first appearance as a pleader dates from 81 B.C., when he delivered a speech *pro Quinctio*. The suit itself was of little importance, and its chief interest is negative, shewing how far Cicero was yet to travel on his way to the eloquence of later years. The next case—*pro Roscio Amerino* (80 B.C.)—was more important in itself, as a defence against the charge of parricide. Cicero won, and although his speech bears some traces of the rather hard and scholastic style inherited from the rhetorical schools, it gained him an established position at the bar. But his health caused anxiety, and he was persuaded to leave court-practice for two years (79–77 B.C.) which he spent in Greece and Asia Minor, studying philosophy at Athens and rhetoric under Molon at Rhodes. To this vacation he owed a double debt. Not only was his health restored, but his oratory was improved by the criticism of a teacher who, as he acknowledged in the *Brutus*, pruned the redundancy of his periods. After his return he could meet his chief rival, Hortensius, on equal terms; and, in 70 B.C., the great trial of Verres gave him acknowledged supremacy in the Forum. Meanwhile he was passing through the *cursus honorum*; but though, during and after his consulship, his speeches were more often political than purely forensic, he continued to plead at the bar (with a break caused by his exile) until at least the year 52 B.C. (*pro Milone*); and his activity, as a political speaker or writer, culminated at the very end of his life, in the famous *Philippics* of 44 and 43 B.C.

It is well known that some of his speeches (as that for Milo) were more or less completely revised before publication, while others, such as the greater part of the *Verrines* and *Philippics*, were not actually delivered. But these political documents are so entirely oratorical that no distinction can be drawn between the spoken and written speech. By the time of the *Verrines* Cicero had found his style; and, even in his later philosophical works, he does not essentially modify the manner which he used as an actual speaker. The formal distinction between oratory and other forms of prose was unimportant at a time when all prose—as well as verse—was intended to be read aloud.

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[1] See T. Petersson, *Cicero*, p. 373 *sq*.

Technically, Cicero's style was intermediate between two extremes. Greek rhetoricians had divided all forms of literary composition into three categories; and their Roman pupils adopted the classification of *eloquentia* as 'austere' or 'simple' (*tenuis*, *exilis*), ornate (*grandis*, *ornata*) and 'middle' (*media*). The simple style was ultimately derived from Lysias, the first and most typical Greek exponent of an art which excluded almost every ornament, relying mainly on the virtues of brevity, directness and lucidity. The Roman imitators of Lysias claimed the title of New Atticists (*novi Attici*), although Cicero remarked that the greatest Athenian orators were by no means Attic in this narrow sense[1]. It is obvious that such a style, except in the hands of a master, was likely to be frigid and uninspiring; its chief practitioners, in Cicero's own age, were C. Licinius Calvus and M. Brutus; and, of these, the former—though still admired, in the time of Tacitus, for his prosecution of Vatinius—had been otherwise forgotten, while Brutus, always too philosophic to be a force in oratory, seems never to have aroused popular enthusiasm[2]. Cicero had great hopes of Brutus, who plays so large a part in his oratorical treatises; but his private letters to Atticus show that he could not admire the style of a speaker whose school 'was apt to make not only the gallery stampede but the bench itself[3].'

At the other extreme stood the Asiatic school, who failed to commend themselves to Cicero during his stay in Asia. None of their speeches is preserved; but we have a fair notion of their Roman followers from Cicero's own criticism. The Asiatics relied on neatly turned antithesis and verbal conceits, in florid ornament and a rapid high-flown torrent of language, delivered in a sing-song manner, with emphasis on rhythmical effect. They have been called the euphuists of antiquity. Their style, or styles (Cicero distinguishes two) appealed to, and suited, the youthful beginner, and the orator attributes the decline of Hortensius' popularity to his persistence in a fashion undignified for a consular[4]. It has sometimes been thought that Cicero had himself fallen under the Asiatic influence, as his reference to Molon may possibly suggest. His speeches at least indicate one feature, generally held to be a fault of the Asiatic school—a tendency to wordiness, which he never completely conquered. But it is only fair to add that Cicero's exuberance was often intentional. Sometimes, no doubt, a cloud of words could conceal a weak argument or doubtful case; far more often, the style was the man—who needed an ample sweep for the swelling period which he perfected. His praise of Hortensius applies with more force to himself: 'no one could be more terse and pointed, when he wished to raise a laugh; no one could better move the judges to anger or tears; no one, in fact, could better achieve the supreme aim of the orator—to convince[1].'

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[1] *Brutus*, 82, 285. Historically the New Atticism was a reaction from Asianism.

[2] Tacitus, *dial.* 21, 10; Cicero, *ad Att.* XIV, 20 and XV, 1.

[3] *Brutus*, 84, 289.

[4] *Ib.* 95, 325–7. On the Asiatic style see E. Norden, *Antike Kunstprosa*, I, pp. 131 *sqq.*; J. F. D'Alton, *Roman Literary Theory*, chap. 2.

Cicero's model (as far as he was conscious of a single model) was the highest in classical oratory—Demosthenes; but he knew that the genius of the Latin language, as well as temperamental differences between Greeks and Romans, needed a style that can be at least as easily contrasted as compared with the Demosthenic. In form, his greatest achievement was the final development of the 'period,' to which the rhetorician Isocrates had devoted infinite pains, both in theory and practice. The *Orator* is largely concerned with the structure of the sentence and particularly of its conclusion (*clausula*), and Cicero acutely analyses the effect of a prose style which (as Aristotle had long since noted) must be rhythmical but not metrical. He points out, for example, the charm (to Roman hearers) of a double trochaic ending (–⏑–⏑); but, curiously enough, he was hardly conscious of a rhythm exhibited by a very large number of his own endings—a cretic base followed by this or other (mainly trochaic) cadences (*maximis consecutus*)[2]. The ancient precept *ars est celare artem* was here so strong that the art eluded the artist himself.

Cicero had practised for more than twenty-five years, before he turned seriously to this theoretic discussion of orators and their styles. His form was the dialogue, especially of the 'Aristotelian' type, in which the author was the chief speaker. In 55 B.C. he published the *de Oratore*, a dialogue between Crassus, Antonius and other distinguished speakers of the last generation. The three books of this treatise deal with the ideal orator's education and training, the treatment of his material and the delivery of his speeches. Nine years later (46 B.C.) Cicero returned to the subject, adding the *Brutus* and the *Orator*, as the fourth and fifth books of his great treatise. The *Brutus* is mainly historical, the *Orator* more personal, concerned (like the *de Oratore*) with the ideal orator, but differs in substituting the first person for the dialogue. The *Orator*, in fact, is largely autobiographical. Cicero here admits us to his private workshop, analysing the technique, both verbal and rhythmical, of his own speeches.

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[1] *Brutus*, 93, 322; *cf.* 84, 290.

[2] The modern study of Latin prose and rhythm by Zielinski and others is too technical for discussion here; see H. D. Broadhead, *Latin Prose Rhythm*, and Fr. Novotný, *État actuel des études sur le rhythme de la prose latine*.

These two treatises belong to the last years of Cicero's life, when the state of politics had debarred him from the full exercise of his proper function: such speeches as he delivered in 46–45 B.C. were written under the shadow of autocracy. Thapsus was followed by Munda, and his oratory was crushed until the final and fatal outburst of the *Philippics*. During the year 45–44 B.C. his energy, excluded from public life, found an outlet in writing. The death of his daughter Tullia had been the heaviest blow in his life, and he sought distraction by plunging feverishly into philosophic study. It has been said with justice that this year 'is, in mere quantity of literary production, as well as in the abiding effect on the world of letters of the work he then produced, the *annus mirabilis* of his life[1].' His personal grief was expressed by two (lost) essays—the *Consolatio* and *Hortensius*, the latter of which changed Augustine's whole scheme of life—he had begun to read Cicero as an orator, and found him a guide to philosophy and religion[2]. These works were followed by a series of philosophical books including (amongst others) the *de finibus* and *Academics* (45 B.C.), the *Tusculan Disputations*, *de Natura Deorum* and *de officiis* in 44 B.C. Besides these, Cicero found time to write two essays of a less technical kind—the *de Senectute* (*Cato major*) and *de Amicitia* (*Laelius*)—both, perhaps, better known than his more 'philosophic' books.

As a philosopher, Cicero neither claimed nor possessed great originality. In a letter to Atticus he frankly confessed that some, at least, of his treatises are simply ἀπόγραφα, transcripts or paraphrases: 'I only contribute the words which I have in abundance[3].' The admission of 'abundance' is patently true, though in jest, and the whole statement is modest enough, even if we remember that the credit of a translator stood much higher in Roman than in modern times. By Roman literary convention it was always a recognized ground for self-praise to claim priority in adapting a Greek original. This habit has puzzled or offended many moderns who are apt to lay more stress on Content than on Form. To the classical critics, Thought was rather to be regarded as common property, whereas Form was personal expression; and the transference of a literary *genre* from one language to another was sufficient proof of originality. The proof would have been more convincing if the Romans had emphasized their real achievement in literature—the distinctive Roman cast which the greatest of their own authors (Cicero as well as Virgil) succeeded in giving to their Greek exemplars.

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[1] J. W. Mackail, *Latin Literature*, p. 72.

[2] *Confess.* III, 4, 7.

[3] *ad Att.* XII, 52, 3; *cf. ad fam.* XIII, 63, 1.

Cicero's own debt to the Greeks varied according to the subject. It is obvious that in his political philosophy, as developed in the *de Re publica* and *de legibus* (works belonging to the years immediately before his proconsulate in 51 B.C.), he was far more 'original' than in his view on metaphysics or ethics. If his model was Plato, the application was entirely practical; Plato's Utopia was transmuted into the reality of Rome. That city was far enough from the ideal Republic whose pattern was laid up in heaven; but Cicero was no political pessimist and, even if in his last years he seems to despair of the State, he had still confidence in the character—the *mores antiqui*—by which Rome had outgrown the actual Greece of Plato.

In pure philosophy, Cicero, like other Romans, was wholly dependent on the Greeks. As a boy, he had been taught the principles of Epicureanism by Phaedrus, but he was by no means converted. His objections to the school were radical: he was repelled by its reliance on the senses; by its physics—the swerve of atoms was ridiculous—by its gods, who were useless; by the negation of Providence, which left the world to the blind forces of Chance; by the doctrine of Pleasure, which (at least in theory) dethroned the higher values of life; and, not least, perhaps, by an abstinence from public affairs which a Roman statesman was bound to condemn. At the same time, he could not wholeheartedly ally himself with the great opponents of Epicurus. He had studied Stoicism under the Greek teacher Diodotus, with whom, as with Phaedrus, he remained on terms of affection. Later, during his visit to Rhodes, he was attracted by Posidonius, the most prominent—if not the most orthodox—Stoic of the day. Posidonius himself had been a pupil of Panaetius (vol. VII, pp. 459 *sqq.*); and, although Posidonian influence on Roman Stoicism has been exaggerated, there can be no doubt that Cicero's admiration for Stoic ideals was largely inspired by his own master, as well as by Panaetius. In the *de officiis*, for example, Cicero was a follower of both philosophers; but in the second book of the *de finibus*, as also in the *de divinatione* and *de fato*, his chief authority was Posidonius. That philosopher, for a Stoic, was singularly broad-minded; and Cicero's esteem was readily won by a teacher who knew how to soften Stoic asperities by some admixture of Platonism. Whereas the orthodox dogma regarded the soul as a unity, with no irrational part, and therefore demanded that the emotions should be wholly suppressed, Posidonius returned to the tripartite psychology of Plato, and so modified Stoic 'apathy': the passions must be controlled by reason, but need not be extirpated. Here and elsewhere, in fact, he was something of an eclectic, believing that all the schools (except their common enemy the Epicurean) were often in unsuspected agreement.

But Cicero could not wholly subscribe even to the less rigid demands of the Posidonian sect. He was not one to wrap himself in his own virtue, nor, as a practical lawyer, could he approve of an uncompromising creed that held all sins to be equal. He admired (with reservation) the stern inflexibility of the Catos, but his own character—intensely human and emotional—was not built on the lines of apathy. Moreover, any form of dogmatism was repugnant to one whose training had taught him that Truth, in philosophy as in the courts, is not easily discovered. Apart from this, Cicero was a real, if not always an understanding lover of Plato; and the school which at least claimed to be in lineal succession to the Master, was his natural affinity.

The New Academy had not stood still with Carneades (vol. VIII, pp. 455 *sqq.*). It was at least saved from stagnation by a healthy disagreement between its later professors. Cicero's introduction to Academic theory dates from his youth (88 B.C.) when he attended lectures given by Philo, then head of the sect. In 79 B.C. he heard Philo's successor, Antiochus, in Athens; the *Academics* is the result of this joint tuition. But the two teachers disagreed, and Cicero followed the general doctrine of Philo. Briefly, the difference turned on the place of the senses in relation to absolute knowledge. The Stoic position was to admit the fallibility of the senses, but to correct them by reason. Absolute knowledge was therefore possible. Antiochus adopted the Stoic view, thereby deserting the dogma of strict scepticism, which Philo upheld. Hence the absolute certitude of the Stoics must be superseded by Probability. But even Philo made concessions to the Porch. So far from maintaining a purely negative position, he was anxious to show that probability is a safe guide, both in theory and practical life. Cicero has been called a pragmatist[1]; and the

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[1] Petersson, *op. cit.* p. 546.

New Academy of Philo, which allowed not only freedom of opinion but change of opinion, was an easy refuge not only for his temperament but for his time.

If we know more of Cicero than of any other personality in ancient life, our knowledge is chiefly due to his letters. It is impossible to discuss them adequately in a short compass, and all that can be now attempted is a bare outline of their literary significance (see further, pp. 773 *sqq*.). Here, at least, no dispute about 'originality' arises—nowhere is it truer to say that 'the style is the man himself.' The whole correspondence—including letters received by Cicero—extends over a period of about 25 years (68–43 B.C.), but only a few belong to his pre-consular years and none to that of his consulship. Nothing is more remarkable than the infinite variety of the letters in scope and style. The correspondents themselves range from the most eminent persons in the political world to Cicero's own family, including his freedman Tiro. The subjects vary from high politics to the details of business and domestic life and letters of introduction; and the style is perfectly adapted to the different degrees of intimacy between the writer and his various friends. Some of these *familiares* are not 'friends' at all, even in the political sense; and it is interesting to see that, in his letters to Pompey and Caesar, Cicero's style is almost as carefully oratorical as in his speeches or essays. When standing on his dignity or uncertain of his ground he is precise in his periods and cadences. But all this technique is dismissed in letters to real friends—to Caelius or Trebatius, and especially to Atticus.

While his dialogues show complete command over the ordinary talk of educated men, these intimate letters are far less 'literary.' Cicero 'talks to his friend as to himself'—*ego tecum tamquam mecum loquor*—and the talk is terse, allusive, often elliptic. Nevertheless, it is never slipshod. Even when he uses the common words which, as he says, distinguish letter-writing from oratory, he never fails to be *elegans*, a stylist. His colloquialism often reminds us of the language of Plautus, whom, unlike Horace, he greatly admired, and there may be some conscious imitation. But, in the main, his language must have been current in his own day[1]; and, if it happens to agree with Plautine usage, the coincidence is due to the conservatism of popular speech. A love of quotations, from Greek poets and—much more often—of Greek words and phrases, is a marked feature of his letters. It has been called the

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[1] *ad fam.* IX, 21. Epistolas vero quotidianis verbis texere solemus.

argot of literary Rome[1], and serves more than one purpose. A Greek phrase is often used (as a French word in English) for a *nuance* of which Latin was not capable—the *egestas linguae* did not stop at philosophy. Sometimes (like French on an English post-card) the Greek made for a secrecy which, in dealing with politics, Cicero felt desirable, especially as his letters were mainly dictated: *βοῶπις*—Juno—was safer than Clodia. But Cicero is fond of a humorous nickname, even when there is no need of secrecy; and, in his general practice, the choice of Greek has apparently no motive more particular than the Latin quotations once admired in English society. Modern fashion—or education—has here changed; but Cicero was writing to Atticus and other cultivated men, for whom Greek was not so much a 'second language' as almost their own.

The letters were certainly not published in Cicero's lifetime. Most of them, indeed, could hardly have been written with a view to publication. Nevertheless, towards the end of his life, Cicero was thinking of a collection of at least some letters, and wrote to Atticus about correcting them[2]. Did he, when writing his private thoughts, have an eye on the public more often than we should naturally expect? It is difficult to believe that he would have wished to unlock his heart so openly, and often so dangerously, during his life. But the 'political letter' was at least as old as Plato, and Cicero may well have desired to follow here, as elsewhere, the founder of the Academy.

IV. C. JULIUS CAESAR

In itself, there is of course nothing surprising to find Caesar among the authors. Even in much less 'literary' ages, there have been many generals who have used the pen to explain their success (or failure) with the sword; but Caesar's *Commentaries* are surely unique as the record, by a statesman and commander of the highest order, which has also outstanding literary merits of its own. If Caesar regarded the arts of speaking and writing as ancillary to a public career—the *Commentaries* have themselves a political purpose—there can be no doubt that, like Cicero, he had also a disinterested love of his own language. His treatise on Analogy—written apparently in 53 B.C. when he was crossing the Alps—would be at least an unusual performance for a modern general. In oratory he was second to Cicero alone: if Cicero's own praise in the *Brutus* may be suspect for reasons of State, there is abundant evidence in the consensus of later writers—among them Tacitus and Quintilian—that, after his prosecution of Dolabella (77 B.C.), Caesar ranked with the most eminent of the orators.

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[1] Tyrrell and Purser, *The Correspondence of M. Tullius Cicero*, I^{3}, pp. 85 *sqq.*

[2] *ad Att.* XVI, 5; *ad fam.* XVI, 17.

Now that his speeches and letters have been lost, his fame as a writer depends solely on the *Commentaries*. Of these, the seven books on the Gallic War were published in 51 B.C. The title—'notes' or 'records'—is modest; Caesar does not claim to be writing history but providing materials for a future historian. Even so, Cicero's eulogy in the *Brutus* (75, 262) is very much to the point: the *Commentaries* could, no doubt, be embellished; but their 'clear brevity' will deter a prudent historian from the attempt. Here, again, Cicero's motive in praising may be suspect, but the praise itself is justified: the *Commentaries*, as he says, are *nudi*, *recti*, *venusti*, charming in their bareness and directness. We know from the fragments of his *de analogia* that Caesar was an Atticist aiming at purism in Latinity. From Aristotle onwards, the 'choice' of words had been one of the main studies of Greek rhetoric; and, in Latin, 'elegance' implied a Wordsworthian 'selection' of common (but not rustic) language: in Caesar's well-known precept, a writer must avoid an unknown or unusual word like a rock at sea[1]. It is not surprising that he, no less than Cicero, admired Terence as *puri sermonis amator*, in a metrical criticism which shows that if Caesar was a poor poet he was a good critic, who could follow the Terentian virtues of absolute simplicity of diction and lucidity of expression. If the *Gallic War* never became a school-book in Rome, as it has become in the modern world[2], the reason may well be that it contains practically no rhetoric in itself, nor does it suggest any theme for rhetoric in others.

Beneath the artistic simplicity of style, the *Commentaries* have a purpose as artfully concealed. Caesar was writing not so much for his admirers as for those who feared that the Gallic Wars were only a stage towards his complete conquest of Rome. In particular, he had to defend himself against the charge of waging war *sua sponte*, without the Senate's permission; and his chief concern was therefore to prove that his wars were inevitable. The expeditions to Britain, at least, required some special pleading. This political need colours the whole conception of his work: Caesar was proconsul for peace as well as war, but he has almost nothing to say about the normal government of his provinces. He permits himself but one considerable digression from the proper scope of his military despatches—the sketch of the Gauls and Germans in his sixth book, at a point when there is a pause in his campaigns (p. 537, *note*). Even while otherwise keeping strictly to the point, a general may be expected to give some account of his opponents; and the Gallic and Germanic nations were always interesting to the Roman mind. Caesar makes this concession to popular taste; but he is not one to idealize his enemies, and the spirit of Tacitus in the *Germania* is quite remote from a conqueror who, for all his magnanimity to Romans, had no mercy for a Vercingetorix.

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[1] *ap.* Gellius, *N.A.*, 1, 10, 4. Pure Latin implied *urbanitas*, the educated speech of the Capital, without 'low' diction, unusual constructions and provincialisms.

[2] See E. G. Sihler, *Annals of Caesar*, p. 265.

His other work *On the Civil War* was never finished, stopping at the commencement of the Alexandrian campaign in 48 B.C. Caesar was no longer an aspirant, but dictator. Yet the general tone of detachment, of objective writing, so characteristic of the former work, is still maintained. There is no suggestion of personal triumph. Pharsalus calls for only a single comment—on the luxury of the Pompeian camp in contrast with the Caesarian, where even necessaries were absent. The news of Pompey's death is dismissed in the baldest phrase: *Alexandriae de Pompeii morte cognoscit.* Lucan's rhetoric finds no support from the chief actor in the *Pharsalia.*

Caesar's example, or command, inspired more than one of his subordinates to continue his notes. Chief of these was A. Hirtius (consul in 43 B.C.), who had been commissioned to collect material for the *Anticato*, an answer to Cicero's *Praise of Cato*; and, immediately after the dictator's death, Hirtius added an eighth book to the *Gallic War*, in order to supplement the broken record left by Caesar himself. The preface shows that the work was a labour of love, although the writer is anxious to disclaim any rivalry with his old commander. The book is not unworthy of Caesar—a compliment which may possibly apply also to the extant *Bellum Alexandrinum* (probably, but not certainly, by the same Hirtius), and to the *Bellum Africum* (written by an unknown author of considerable ability); but it would be grossly excessive as a description of the *Bellum Hispaniense*, which completes the record of Caesar's campaigns. Apart from its—not very considerable—value to the historian, the *Spanish War* is mainly interesting from a negative point of view, as an unconscious warning (if warning were needed) that Caesarian prose is not easy to write. Its author was obviously a military man who had served with Caesar in Spain; but his inexperience in writing does not suggest that he was an officer of high rank. We need not pause praise in the *Brutus* may be suspect for reasons of State, there is abundant evidence in the consensus of later writers—among them Tacitus and Quintilian—that, after his prosecution of Dolabella (77 B.C.), Caesar ranked with the most eminent of the orators.

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[2] See E. G. Sihler, *Annals of Caesar*, p. 265.

While Valerius started, in the usual way, *ab urbe condita*, his contemporary L. Cornelius Sisenna (119–67 B.C.) seems to have confined himself to his own age, and his history of the Sullan period is praised by Sallust. Cicero, too, speaks highly of his learning, but was not greatly impressed by the history[1]; while Sisenna's archaisms and use of uncommon words did not commend themselves to the orator. According to Varro, Sisenna was distinguished for his affectation of *adsentio* (for *adsentior*, 'yea' for 'yes') in the Senate; and his other curiosities of language were more interesting to late grammarians than to his own generation.

There remains C. Licinius Macer, father of Calvus the orator and poet familiar to readers of Catullus. Macer himself, like his friend Sisenna, was a praetor; but less fortunate or honest than Sisenna, he was condemned for extortion in his province, and committed suicide. Cicero, who presided over the court, not unnaturally disliked him and characterized his writing as mere loquacity[2]. His *Annals*, according to Livy, were untrustworthy when the honour of his clan was involved; but he had the credit of using original authorities such as the *libri lintei* (the lists of the Magistrates), at a time when 'sources' were generally neglected. Several other annalists of the Sullan age are recorded, including Sulla himself, whose memoirs or commentaries seem to have been of small historical importance, except, no doubt, in military matters, where Plutarch (in his Life of Sulla) must have found his writings to be valuable. The list of such writers shows that there was a wide interest in the origins and later development of Rome, although the annalists of this period were largely superseded by those of the next two generations—by Varro and Caesar, among Cicero's coevals, and by Sallust and Nepos, among his juniors.

C. Crispus Sallustius (86–35 B.C.) born, like Varro and Horace and other distinguished writers, in the Sabine territory, was a plebeian and a member of the popular party, and (after being expelled from the Senate) was reinstated by Caesar. He rose to the praetorship and became proconsul in Africa, where he amassed enough wealth to retire in 45 B.C. His famous Roman villa—the 'Gardens of Sallust,' afterwards the favourite residence of several emperors—does not suggest that its owner practised the virtues of austerity and simplicity which he admired in ancient Rome[3], even if he outlived the scandals of his earlier life. The later Romans were quick to notice the inconsistency; Macrobius tersely describes Sallust as a grave censor of others' luxury. All his literary work belonged to the years of his retirement, when he was prudent enough to take no part in the troubles following Caesar's death. But the choice of subject in his first work—the *War of Catiline*—shows his fidelity to Caesar, and his democratic leanings are apparent throughout his writings. Caesar had been suspected of complicity with the Catilinarians, and Sallust undoubtedly wished to clear his leader's memory from the charge. In the main, however, his object was much wider. He was probing the deep-seated causes of the political disease which produced a Catiline, and found that the only remedy lay in a Caesar. He claimed to be impartial, and his fine characterization of Cato, as well as of Caesar[1], is proof of a broad outlook; but his rather faint praise of Cicero (whom he could not entirely neglect) does not suggest that Rome was 'fortunately born in that statesman's consulship[2].'

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[1] Cicero, *de legibus*, 1, 2, 7, *Brutus*, 64, 228; 74, 259.

[2] Cicero, *de legibus*, 1, 2, 7.

[3] Sallust, *Cat.* 12.

The *Catiline* is not free from inaccuracies (see p. 889 *sq.*); but, as a work of art, it seems to justify the reputation of its author in later Roman criticism, although Livy and others were dissentients. In the early Imperial age, Sallust was accused of 'pilfering Cato'; and his diction, as a fact, has a decided tinge of the archaism so much affected by many writers of his time. His chief literary influence, however, as Roman critics observed, was the style of Thucydides, who was second to Lysias alone in favour with the Atticists. The famous Sallustian 'brevity,' which Tacitus followed, is the most striking outcome of this imitation. But Thucydides was his model for thought as well as style. Numerous 'reflections'—whether in prefaces or interspersed in the body of his narrative—are on Thucydidean lines; his vivid descriptions are sometimes modelled on the *Peloponnesian War*[3] and, negatively, he follows the rationalistic Greek historian, by his silence in regard to omens and other supernatural phenomena which Livy so carefully records.

Sallust's second monograph—the *War with Jugurtha*—was no doubt suggested by his knowledge of Africa. But one of his reasons for the choice of subject was political: in his own words, 'the pride of the nobles was then for the first time opposed.' The conquest of Numidia ends with the triumph of Marius, but is the beginning of a struggle which led to the devastation of Italy[4]. Although Sallust favours the popular party, he recognizes faults on both sides: the oligarchs abused their high position, the people their liberty[5]. Except for these incidental comments, the *Jugurtha* is objective history; and, as such, (if inaccurate in detail) it may be considered even superior to the *Catiline*[1]. But the claim of Sallust as a historian seems mainly to have rested on the *Histories*—a continuation of Sisenna's work—of which only four speeches, two letters, and some fragments remain[2]. His speeches, though not to be regarded as more authentic than those of Thucydides, are always in character, even if their rhetoric is that of the schools—indeed, the speeches from the *Histories* were apparently preserved as being models of rhetorical art. They are naturally more periodic, more Ciceronian, than Sallust's narrative style; but the rhythm is different; and here as in the biographies, certain cadences (for example, the hexametric ending) are admitted which Cicero would have carefully avoided. It would seem that Sallust disliked the great orator as much for his periods as for his politics.

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[1] Sallust, *Cat.* 54.

[2] *Ib.* 26, 31, 43.

[3] As in *Bell. Jug.* 60 (Thuc. VII, 71).

[4] *Ib.* 5.

[5] *Ib.* 41.

The only other historian who need here be mentioned is CORNELIUS NEPOS. Little is known of his life beyond the fact that he was born in Cisalpine Gaul, and belonged to the inner circle of Cicero and Atticus. He seems to have been slightly younger than Cicero, and probably a little older than Catullus, who dedicated his book of poems to his friend and countryman. The date of his death is uncertain, but was later than 32 B.C. Catullus mentions his *Chronica* as 'a learned and laborious' work: it was apparently a chronological digest of Greek and Roman history, but its scope and method are uncertain. His main interest was in biography, and here the loss of a panegyric on Cicero is to be regretted. His extant biographies are part of a larger collection 'On illustrious men'—parallel lives of Romans and foreigners—together with two lives (*Cato the Elder* and *Atticus*) from the *de Latinis historicis*. In the Life of Pelopidas Nepos makes the disarming remark that he is writing a biography, not a history; but even this excuse does not palliate his disregard of chronology, and his carelessness in the use of authorities. The biographer seems to have genuinely admired his illustrious men, with the doubtful merit of concealing their defects. This hero-worship is certainly excessive in his treatment of Atticus, to whose faults his friend is more than reasonably blind. His style, if undistinguished, is at least clear and succinct; but he sometimes attempts a longer periodic manner without conspicuous success. A link, in point of time, between the prose of the Republic and the Empire, Nepos has neither the force of Caesar nor the splendour of Livy. The great chain of authors in either age might well deserve a stronger connection.

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[1] On the composition of the *Bellum Jugurthinum*, see above, pp. 113 *sqq*.

[2] On the brochures *ad Caesarem senem* attributed to Sallust see below, p. 890.

VI. VARRO

While the highest culture of the Ciceronian age may be fairly represented by Cicero himself, the whole range of literary and intellectual pursuits is even better shown by M. TERENTIUS VARRO (116–27 B.C.), the most comprehensive scholar of this, or any other Roman period. Born ten years before Cicero, he outlived the orator by over fifteen years; and if Cicero, writing in 45 B.C., thought his 'polygraphy' a marvel, Varro added extensively to his writings in old age—the work on Husbandry belongs to his eightieth year. Like most authors of the time, he was a politician and a soldier, important or rich enough to be proscribed by Antony, though his life was actually spared.

Varro's recorded works include practically all branches of Roman knowledge in literature and philosophy, in geography, law, grammar and history. If his encyclopaedic interests can be narrowed to a single term, he may be classed as an antiquarian, his most famous work being the *Antiquitates rerum humanarum et divinarum*, a systematic account of Roman civil and religious history, in over forty books, much quoted by Augustine and other Christian apologists. Servius described him as *expugnator religionis*, and Augustine attacked his rationalism[1]. In the sphere of history, he chiefly affected the biographical form, which was now becoming popular, and his *Portraits* (*Imagines*) of 700 celebrated characters—both Greek and Roman—may be (as Pliny states) the first example of an illustrated book. Of this enormous output, only two works survive in more than fragments; and one of these (*de lingua Latina*) is mutilated. The whole treatise, in twenty-five books, covered a wide ground—etymology, grammar and syntax, poetical and ordinary diction, and a discussion on the theories of Language (Analogy and Anomaly) which divided ancient scholarship into two camps.

Far more interesting are the three books on Agriculture (*rerum rusticarum*). The form is that of a dialogue—a *genre* which seems almost as inevitable in the Ciceronian age as the novel 'with a purpose' at the present day. The persons (besides Varro himself) appear to have been mainly chosen for their names, *e.g.* Scrofa (sow), who, however, was a noted agriculturalist; and, in the last book, a number of persons bearing birds' names (Merula, Pavo, Pica, Passer) are in keeping with the subject of that book, which is mainly concerned with birds and aviaries. The scene changes in the different books, from a temple of the Earth goddess—the first book ends, rather unnecessarily, with the murder of the priest—to Epirus, in the second book, and back to Italy, in the third, where the company are waiting for the issue of an election. Crops, stock, bees, tame and wild preserves, are all included in Roman agriculture, and their treatment is on the princely scale to which the senatorial class were by now accustomed. The simple estate of Cato has grown almost beyond recognition, just as Varro's learning is infinitely greater than the practical common sense of his predecessor. His own style is not unattractive, midway between the terse staccato sentences of Cato and the periodic structure of Cicero. It is not 'literary talk,' but the plain speech of an old-fashioned Italian gentleman, well-educated, but more interested in farming than politics. In the year 36 B.C. (when the book was published) Virgil had already begun the *Georgics*, to show an aspect of country life with which we find no sympathy in Varro. The poetry of Agriculture had no place in the work of a scholar who, none the less, could write very respectable verse, as appears in the fragments of his Menippean Satires.

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[1] Servius on *Aen.* XI, 787; Augustine, *de civ. Dei*, VII, 35.

This literary form takes its name from Menippus of Gadara, a satirist of the third century, when it had become the fashion for Cynic comments on philosophy and ordinary life to be expressed in humorous or caustic language (vol. VII, pp. 264, 274). Menippus was the first, or among the first, to use the form, and his subjects were themselves a medley, corresponding to his mixture of prose and verse. To the Romans, with their natural trend towards satire, this species of their own *satura* must have been welcome; and, although the distinctively Roman satire, from Lucilius to Juvenal, was mainly confined to verse, Petronius is in lineal descent from Varro. Our direct knowledge of his satires depends, very inadequately, on the titles and on about 600 fragments. The titles are in Greek and Latin, sometimes in both languages, and several suggest a popular treatment of Cynic philosophy. This accords with Cicero's reference to the scope and character of Varronian satire: Varro is reported as claiming to imitate Menippus 'with a certain humour,' in order that the less educated may be attracted to philosophical study; and Cicero, speaking in his own person, then congratulates the satirist on the variety and elegance of a work 'in nearly every metre' which suggests rather than teaches philosophy[1]. The longest prose fragment, from a satire entitled *Nescis quid vesper serus vehat*, gives advice on entertaining at dinner. It is written in an ordinary conversational style, with frequent verbal puns and a sprinkling of Greek words. The latter habit may well be due to the example of Lucilius, whose influence on Varro must have been considerable, but, as we see from Cicero's letters, it was also a general fashion of the times. There is no archaism apparent in this fragment; but it is clear from others that Varro often harks back to the language as well as the ideas of his great predecessors, Pacuvius and Lucilius. We must, however, bear in mind that the fragments are a very small portion of the original books; and, having been mainly preserved by Nonius for their peculiarities of diction, they do not necessarily represent the style as a whole. Nevertheless, enough is extant to make us wish for more: as a comment on contemporary life and thought, and a criticism of Roman morals, written in popular language, but by the most distinguished scholar of the age, these Menippean satires represented a type of ancient literature whose almost total loss is deplorable.

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[1] Cicero, *acad. post.* 1, 2, 8 *sq.*

From a wider point of view, the mutilation of Varro's works is less regrettable. In his own life, the great 'polymath' might be classed with Cicero as almost equally representative of the period. But later ages clearly distinguished their permanent values. Varro, though never neglected, left but little impress on the sum-total of Latin literature, whereas Cicero, who had been merely *primus inter pares* to his contemporaries, became as unique in prose as Virgil was to become in poetry—a symbol, both for thought and style, of the highest Roman achievement. Himself no great philosopher, he preserved and handed on to his later countrymen and to the Middle Ages all the Greek learning which they could readily assimilate. And the debt of Christian Fathers and churchmen is only part of his service to Western civilisation. Although his own age was intensely active in so many spheres of literature, this activity, as we have seen, was centred in Cicero's outstanding genius. It was a true instinct that gave him chief credit for the final development of a language which survived for more than a thousand years as the *lingua franca* of Europe; and, still later, the same instinct guided the scholars of the Renaissance in recognizing the Ciceronian idiom as the supreme model of Latinity.

CHAPTER XIX

CICERONIAN SOCIETY

I. INTRODUCTION

IN the ancient world, before the Roman Republic passed through its final phases, there had existed societies characterised by notable refinement. But the society of Periclean Athens, of the courts of Alexander's successors, or of Rome itself in the days of the Scipionic Circle cannot be recreated so fully as the environment of Cicero. Its unique interest and the justification for calling it Ciceronian society lie largely in the fact that Cicero was at once a great political and social figure, and that our best evidence for the period is derivable from his orations, treatises and extraordinarily vivid correspondence. The extreme range among its personages is from Marius, Sulla and their myrmidons through Pompey and Caesar to Antony, Octavian and to others of Cicero's correspondents who, like the lawyer Trebatius or the literary ex-governor Asinius Pollio, lived to take a part in Augustan society. Nepos suggests its limits in time by the remark that the same Atticus (109–32 B.C.) made himself agreeable as a youth to the aged Sulla and as an old man to young M. Brutus. Cicero's life (106–43 B.C.) was, then, coeval with two generations—from the Cimbric peril averted by his fellow-townsman Marius till the ascendancy of the triumvirs whose duty was nominally to restore the Republic but who by historic irony made away with some of its most patriotic defenders.

The orations go farther back than the letters as social documents. An early speech, that for Roscius of Ameria in 80 B.C., presents the youthful advocate in brave antagonism to scandalous injustices plotted under the auspices of one of Sulla's powerful freedmen, and illustrates a deeply disturbed state of society when confiscation of land was rife in the country and murder easy in Rome. No letter is earlier than 68 B.C., when Cicero was a man of thirty-eight: the first eleven letters which survive do not bring us beyond 65 B.C. and there are no letters from the year of Cicero's canvass for the consulship or for that year itself, 63 B.C. Yet we are abundantly and brilliantly supplied for the period as a whole. The correspondence, if we accept the letters to Brutus as genuine, comprises over 900 epistles, of which one in ten were written to Cicero.

What increases their value is their frank spontaneity. Written until nearly the end without a thought of preservation for a reading public[1], they possess the combined attraction of a chronicle of thrilling events and purely personal, sometimes even trivial, concerns. They are alive, whether they record judgments on contemporary makers of history, or show the writer's interest in a book, a business transaction, a country house, a work of art, a lady's rheumatism or a menu. Viewed solely as a gallery of human portraits, the correspondence is unsurpassed: and it has the advantage of reflecting a vital age in civilization. The society of the final century of the Republic did not lack variety. What Cato the Censor and other anti-Hellenes had foreseen in fact took place. New wealth, new tastes, new manners acted as inevitable solvents of the old well-disciplined and rather unimaginative Roman character. Force of circumstances made men critical of tradition; and the adventurous flouter of the *mos maiorum* became a law to himself, so that at no Roman epoch is such an individual divergence of personality discoverable. If some periods are stamped with homogeneity, here the protagonists were fashioned after no one pattern. Political, social and literary movements alike intertwined audacious novelties with revered convention, making the potentiality and promise of the age incalculable. Much looked like decay and ruin: much proved to be virility and accomplishment. Like all eras pregnant with fresh development it produced anomalies: alongside of impetuously unstable figures like Catiline, Clodius, Caelius, Curio and Dolabella there stood out rigidly unimpressionable aristocrats like Cato; some men, like Atticus, strictly attentive to business; others, like Varro, who combined scholarship with official duties; many who found the times too distracting to understand; and one only who could bend everything to his will, Caesar.

To Cicero everyone worth knowing was known. We owe it to his sensitive keenness in observation and to his marvellous control over words that we see this society not at the supposed distance of ancient history but at close range. Interest in his fellow-man never deserted him: isolation gave him pain. However much Rome might have altered in constitution and atmosphere, it remained the centre in whose radiant life he loved to bask. 'The city, the city, my dear Rufus' he writes from abroad to his young friend Caelius Rufus 'is what you must make the object of your devotion: live in the sun you have there[2].' Hence the pang of emptiness caused by his exile, by his residence in Cilicia where no administrative duties availed to make up for the capital[1], and by his weary months of waiting as a ruined Pompeian at Brundisium until Caesar saw fit to lift the embargo and let him return. Thoroughly as Cicero could at times concentrate on the solace of studies and literary work, much as he enjoyed a tour among his country and seaside villas, it was an imperative law of existence for him to enter into the activities of the city. When in later days political life was barred to him, social life offered compensations. Certainly he could not complain of neglect. He was sought out: his receptions were attended by Caesarians who were encouraged to repeat his witticisms to Caesar. In fact Caesar had become such a Ciceronian connoisseur that he could distinguish a spurious *bon mot* from a genuine one of the old Lucilian stamp which Cicero tells his sunny Neapolitan friend Paetus is his particular preference[2]. Characteristically Cicero's own moods alter: now beneath his banter runs an undercurrent of melancholy regret for a lost Republic[3], and now he bubbles over with the recollected enjoyment of a dinner-party and its conversation in which the old orator knew how to shine[4].

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[1] *ad Att.* XVI, 5, 5, July 44 B.C., habet Tiro instar septuaginta.

[2] *ad fam.* II, 12, 2.

But if Cicero loved to hear himself talk and to write letters, he was also a begetter of talk and letters in his fellows. Out of Rome he pined for news, even for gossip. 'Write, if only to say that you've nothing to say,' he implores Atticus[5]. In 59 B.C. he writes 'I seem absolutely exiled (*relegatus*) since I came here to Formiae: at Antium there never was a day when I didn't know about occurrences at Rome better than people in Rome . . . so do send me a bulky despatch' (*ponderosam aliquam epistulam*, *ad Att.* II, 11, 1). When Cicero went to his province in 51, Caelius, a lazy correspondent as he called himself, deputed someone else to compose a budget big enough to satisfy Cicero not merely with political items like *senatus consulta* but with the tittle-tattle of town (*fabulae*, *rumores* or *rumusculi*: *e.g.* *ad fam.* VIII, 1). Caelius was, however, equal to reporting the latest engagement or divorce and the spiciest bits of scandal: once in a spirit of mischief he withholds details, adding 'I just like the notion of a victorious proconsul prowling to find out who is the lady so-and-so has been caught with![6]'

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[1] *ad fam.* II, 11, 1, mirum me desiderium tenet urbis...satietas autem provinciae: cf. *ad Att.* V, 15, 1 (from Laodicea), haec non desidero: lucem, forum, Urbem, domum, vos desidero; V, 11, 1 (from Athens), non dici potest quam flagrem desiderio Urbis.

[2] *ad fam.* IX, 15.

[3] *Ib.* IX, 17.

[4] *Ib.* IX, 26.

[5] *ad Att.* XII, (44, 4), 45, 1.

[6] *ad fam.* VIII, 7.

Curiosity, then, operated along with patriotism among Cicero's motives, but family affection as well; for in the nerve-racking year of 49 he appeals for constant letters from his beloved women-folk at home (*vos, carissimae animae, quam saepissime scribite*). This passion for getting and sending letters contributes a newspaper-like freshness to the correspondence: he would write at times in jerky sentences scribbled before starting on a journey when it was scarcely dawn, or dictated to an amanuensis in hot haste. But if very many letters were hurriedly written, others were designed to convey explanations or comments in a full and serious way; for Cicero, as a great artist in words, remained master of at least two manners—the urbane and polished style of a man as deeply versed in affairs as he was cultivated in literature, and the other that lighter easy-going and on occasion flippant style which, with the writer's sympathetic discernment into all types of humanity, fitted the tone of the missive to the recipient. Cicero is seldom stilted in his letters; but there is a world of difference between his formality in addressing *grands seigneurs* like Metellus Nepos or Appius Claudius and his unrestrained freedom in writing to his life-long friend Atticus or exchanging jokes with Trebatius, Paetus and Eutrapelus. When he chose, he used his learning and his Greek, but equally when he chose, he drew from colloquial Latin and from the kindred diction of Roman comedy. Behind all is the creative genius which gives life to literature by flashes of revealing light upon contemporary events, whether great or small, and upon the persons concerned. It is impossible to escape a thrill from words written to Cicero by Caesar, Antony and Cassius, or to miss the interest of the description of a call from Pompey or from Caesar; but we meet flesh and blood as really in letters with no political bearing, where, for example, Cicero dines out, or comes home mellow at night to look up a legal point just discussed with Trebatius, or sympathizes with his freedman Tiro's illness, or reprobates the cruelty of the games, or chronicles the books he has been reading or writing, or reports a squabble between Atticus' sister Pomponia and her husband Quintus Cicero, who was so much freer with his hot temper in his province than in his own house.

Cornelius Nepos regards the sixteen volumes of the epistles sent to Atticus as furnishing an almost complete history of the times[1]. Here it is proposed to illustrate the social phenomena which made the background to them and Cicero's other writings.

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[1] *Atticus*, 16: quae qui legat non multum desideret historiam contextam illorum temporum.

II. THE SOCIAL GRADES

The political significance of the three ranks in the state—the senatorial order or *optimates*, the equestrian order and the commonalty—is written large in the history of Rome. They must now be glanced at from a social angle, though it is impossible wholly to separate Cicero's relations to them from his political watchwords of *Senatus auctoritas* and *Concordia Ordinum*, indicating a commonwealth in which all good citizens and especially the moneyed middle class should unite with the aristocracy in maintaining the *optima causa* against revolutionary schemes. But if such co-operation appeared to be temporarily realized in the suppression of the Catilinarians, there were occasions when his mind was painfully divided between merits and faults in the time-honoured ruling caste. Certainly there was much in the patricians to impress an ambitious *novus homo*. The old families, originally of varied local provenance[1], but by age-long association and service Roman to the core, shewed, however much some fell short of the best traditions of their order in character and in governing ability, that they were still animated with the consciousness of inheriting a great past and still jealously resentful of any infringement either on their caste privileges or on the glory of the ancestral name. In this spirit Metellus Celer stiffly reminded Cicero that *familiae nostrae dignitas* should have been a check upon his free language about a Metellus[2]. In the same spirit, long after, a mistake made by Metellus Scipio about an ancestor affecting the inscription on a statue is reprobated by Cicero himself as discreditable[3]. Some old names, it is true, suffered eclipse; for the civil wars and physical degeneration wrought irreparable havoc in spite of attempts to perpetuate families by the female line or through adoption; but there were still prominent in Rome bearers of fair-sounding names like the Cornelii, Claudii or Sulpicii.

Respect was by custom due to an Optimate—it was due to such external reminders as his distinctive dress, his imposing retinue, his seat in the theatre, due also to his very bearing, but above all to the prestige of his standing in the State as the holder of high office at home or abroad. Kings and potentates found advantage in paying court to a Roman governor. To maintain a social position so exalted, to be prepared to bribe electors or jurors, wealth was essential; and, though senators were forbidden to make money by trade, it was possible to have the finances of an estate controlled by an agent, whether Roman knight or oriental freedman; possible likewise to be secretly behind some capitalist company in a commercial venture; and only too possible to raise a fortune by extortion in a fat province. One indication of a senator's importance might be seen in the attendance of clients from the country as well as from the city in his *atrium* at the morning *salutatio* with which the *patronus* opened his day's work. Sometimes these receptions were extended on a smaller scale to the rural and seaside mansions of public men: hence Cicero in his villa at Cumae claimed to have been entertaining a miniature Rome (*habuimus in Cumano quasi pusillam Romam*, *ad Att.* v, 2, 2).

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[1] See F. Münzer, *Röm. Adelsparteien und Adelsfamilien*, pp. 408–413.

[2] *ad fam.* v, 1.

[3] *ad Att.* vi, 1, 17.

Though there were notorious exceptions in the shape of voluptuaries, adventurers, and oppressors, many of the nobility maintained honourable traditions of patriotism and a high standard of literary culture. Thus it was not inappropriate that Cicero should compliment the critical taste of Lentulus Spinther by promising to send him some of his poems out to Syria besides copies of certain speeches and his *De Oratore* to help his son's studies[1]. Yet he was often in the guise of spokesman for a privileged class which he could not unreservedly admire. He might in politics be with them: he was not of them. Backbiters did not confine their sneers within aristocratic *circuli* and *convivia*, but openly shewed disdain for the successful pleader from Arpinum. With a lurking sense of inferiority and perhaps a touch of envy tempering the pride of a self-made man, Cicero complained that honours were thrust on nobles even in their sleep, while others less lucky had to toil for them[2]. The *rapprochement* which intervened in 63 was followed by disillusion in 60, when a recurrent theme in the letters is aristocratic jealousy of himself and the selfish love of luxury on the part of careless fools for whom a scandal like Clodius' outrage on the ritual of the Bona Dea or the very safety of the State counted nothing provided their fishponds were unharmed[3]. These "Tritons of the fish-ponds,"[4] as the ex-consul dubs them, were but lamprey-breeders: 'they're in paradise, they fancy, if there are bearded mullet in their tanks to come to their hands for food[5].' So the future author of the *De Amicitia* realized the want of heart in the attitude of high society towards him: lonely amidst a crowd of acquaintances and clients he wrote from Rome to Atticus in Epirus, longing for him as a confidant: "These showy and gaudy friendships of ours enjoy a certain lustre in the world outside, but they don't possess any homelike value[6].'

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[1] *ad fam.* I, 9, 23.

[2] II *in Verr.* v, 70, 180.

[3] *ad Att.* I, 18, 6: cf. I, 19, 6; 20, 3.

[4] *ad Att.* II, 9, 1.

[5] *Ib.* II, 1, 7.

[6] *Ib.* I, 18, 1.

With the equestrian order, the moneyed as contrasted with the landed aristocracy, both in Rome and in the townships of Italy, Cicero felt himself in essential harmony. He belonged to the class by birth, and regularly proclaimed his devotion to its interests[1]. Though the term *equites*[2] occurs as an expression for the eighteen centuries of military knights drawn from the Roman *jeunesse dorée* like Caelius Rufus and Curio, it usually at this period means the wealthy class who owned capital enough to enable them to contract for farming the public revenues, the collection, that is to say, through agents of provincial tribute or the tax on pasture-lands or the *portoria* levied on exports and imports; or, again, the management of commercial enterprises through joint-stock companies (*societates*). The equestrian census was 400,000 sesterces, and those who belonged to the class were accommodated in the theatre and at public spectacles in fourteen rows of seats behind those allotted to senators. With their rights on juries and their financial interests Cicero was in active sympathy. Consequently it is one of his chief objections to Cato, whose firmness and integrity distinguished him from the majority of the nobles, that an impracticable idealism made him ready to offend the equestrian order by insisting too literally upon the terms of a contract.[3]

Atticus, Cicero's greatest friend and most regular correspondent (though none of his answers to Cicero have come down), was a shrewd and cultured member of the order, avoiding on Epicurean principles any entanglement with political sides, cultivating his taste through literature and art, while all the time he knew how to make money by purchasing and developing an estate in Epirus, lending sums at interest, negotiating bills, keeping slaves to copy books, and training gladiators to fight. Though he inherited most of the ten million sesterces left by a skinflint uncle, Atticus was far more than a prosperous merchant in agricultural produce, in money and in human lives. Long residences abroad gave him considerable Hellenic learning; and, strictly economical as his inclinations were, it was a feast of intellect rather than of expensive dishes that he provided for literary guests in his artistically adorned mansion on the Quirinal. A well-read amateur without being a

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[1] E.g. *pro Rab. Post.* 6, 15: nunc vos, equites Romani, videte: scitis me ortum a vobis; omnia semper sensisse pro vobis.

[2] *E.g. ad Att.* II, 19, 3. This is the 'manus Curionis' of Cicero's correspondence. Cf. H. Hill, *Livy's Account of the Equites*, Class. Phil. XXV, p. 244.

[3] *ad Att.* I, 18, 7; II, 1, 8, dicit (sc. Cato) tamquam in Platonis πολιτείᾳ, non tamquam in Romuli faece, sententiam; II, 5, 1, Cato ille noster qui mihi unus est pro centum milibus.

Varro, he was a critical adviser as well as a publisher. Cool and self-centred in the regulation of conduct, he possessed an indefinable personal charm which was the secret of his success in winning a surprising number of different friends. Discriminating and adroitly calculating in his judgment of character, he laid himself out to please: and an astute adaptability made him all things to all men. While he could thus, as a proved adept in neutrality, be a social and sociable reconciler of opponents, Atticus never stood in the fighting line of his country's politics where some of his friends felt bound to serve.

The plebeians, or third estate, were still in the Ciceronian age voters and therefore the objects of political flattery and State generosity. Candidates for their suffrages addressed them in *contiones*, canvassed them privately or otherwise, and entertained them with expensive shows consisting of gladiatorial combats or *venationes* of wild beasts. The ranks of the needy urban *multitudo* had been swollen by a stream of Italian peasant proprietors dispossessed by re-allotment of lands or ruined by changed conditions of agriculture. When Caesar reformed the corn-distribution, the 'masses' in receipt of a free corn-grant numbered 320,000[1]. Included in this class were not only the ruffianly loafers who could readily join a gang of Clodian rioters but also the small tradesmen and artisans; for slave labour in big houses had not wholly ousted the free citizen from manual production. From one standpoint these were a fraction of the State with claims long since asserted and constitutionally defined, but from another standpoint they seemed largely a wretched mob not yet, as under the Empire, deprived of the chance of selling their votes, but already fatally dependent upon a State dole and public amusements. For the city proletariate Cicero shows little regard. He writes in 61 B.C. that his influence was the same as ever with loyalists (*boni*) and had improved 'with the scum and dregs of the town' (*apud sordem urbis et faecem*[2]), and continues with scathing irony: 'the public that like a leech sucks the blood of the treasury, the miserable starveling rabble (*illa contionalis hirudo aerarii, misera ac ieiuna plebecula*), takes me to be high in Pompey's favour'; then, with a chuckle over 'the chin-tufted blades' who had nicknamed him 'Gnaeus' Cicero, he adds 'I have had marvellous ovations in the circus and at gladiatorial shows.'

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[1] Suet. *Div. Iul.* 41. Corn previously available at cheap rates owing to State-purchase was given gratis during the later Republic from the time of Clodius, 58 B.C. (see p. 524).

[2] *ad Att.* I, 16, 11; cf. 'in Romuli faece,' *ib.* II, 1, 8.

While some of the homes of the lower population were on the Aventine, the Caelian, and on parts of the Esquiline, the principal quarters for the poorer classes were in the natural depressions leading down from the heights towards the Forum, such as the Subura between the Esquiline and the Quirinal,—a swelteringly hot trading district in summer—and, closer to the Forum, the Argiletum where shoemakers and booksellers carried on business. Their accommodation in common lodging-houses or tenement blocks (*insulae*) several storeys high (such as have been restored in recent years at Ostia) made a striking contrast to the fine mansions or parks of the rich on the Palatine and other elevated sites. The contrast was as great in the sphere of food. While the staple dietary of humbler Romans consisted mainly of wheat, vegetables, fruit, oil and wine, the fare of the wealthy was anything but strictly vegetarian. It drew upon all the resources of land and sea to provide an astonishing variety of cuisine.

For the *municipales*, or country voters throughout Italy, Cicero entertained kindlier feelings than for the urban populace. His own origin partly explains the breadth of vision with which he extended his ideal of Concordia Ordinum outside Rome. To such Italian voters he felt grateful for supporting his recall from exile; but their attitude in 49 after the outbreak of civil war seriously chagrined him. When Caesar's clemency had won them over to put economic safety first, Cicero writes angrily about the *municipales homines* and *rusticani* with whom he has been talking a great deal: 'they care only for their lands, their farm-houses (*villulas*), their cash' (*nummulos*, *ad Att.* VIII, 13). Clearly, then, the class included persons of substance; and we find Cicero in 46 B.C. anxious to help his townsfolk at Arpinum by forwarding to M. Brutus, whom Caesar had made governor of Gaul, a request to secure payment of rents from lands belonging to the corporation[1]. In a similar spirit he applied to Valerius Orca as a land-commissioner on behalf of the people of Volaterrae[2].

III. WOMEN OF THE DAY

The Roman matron had for long held a dignified position in the community. Free from that seclusion which hampered the Athenian wife, she was honoured in the home much as the Vestal was by the State. Behind the political scene, if of high family, she could exert considerable influence on public affairs. Curiosity, indeed, had sometimes led her too far, as shewn in the incident of

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[1] *ad fam.* XIII, 11.

[2] *Ib.* XIII, 4.

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[2] *ad Att.* I, 16, 11; cf. 'in Romuli faece,' *ib.* II, 1, 8.

a critical juncture. Cicero acknowledges gratefully support given during difficult times by Junia, the wife of C. Claudius Marcellus, when he assures her son that 'from your revered and excellent mother . . . I have received greater services than were to be expected from a lady[1].' Calpurnia's marriage to Caesar led to her father's consulship, though against such intolerable traffic in the chief magistracy and against women's interference in the assignment of armies and provinces Cato protested in the spirit of Napoleon's question: 'Since when did the Council of State meet at Madame Récamier's?' Postumia, the energetic wife of Servius Sulpicius Rufus, was probably the inspirer of young Sulpicius' wholehearted support of Caesar, though his father was a Pompeian, if only a lukewarm one[2]. On the other hand, Porcia, Cato's daughter and Bibulus' widow, whom M. Brutus married on divorcing Claudia, must have deepened her husband's republican sympathies. Along with Cassius' wife Tertia or Tertulla, who was Brutus' half-sister, and with Brutus' mother Servilia, Porcia made an influential trio of women in an interview at Antium, when Cicero advised Caesar's assassins, Brutus and Cassius, to accept corn-purchasing duties in Asia and Sicily[3]. Servilia's position here should be noted. She undertook to get the corn appointment cut out of the senatorial decree[4]; and elsewhere we find her objecting to a proposal made by Cicero in the Senate[5]. The mother of M. Junius Brutus by her second husband, Servilia was step-sister to Cato of Utica, so that her son's wife Porcia was her step-niece. One daughter by her first marriage was Junia, who married the triumvir Lepidus: another, Tertia, had, as mentioned, married Cassius. Though M. Brutus was credited with purity of life, the attachment of his mother, Servilia, to Caesar occasioned much talk, nor did scandal spare the daughters. Comment arose when Junia's portrait was found with those of other married ladies among the baggage of the hare-brained Vedius whom Cicero met on a road in Asia Minor travelling with two chariots, a carriage and two horses, a litter, a huge band of slaves, a dog-headed baboon and some wild asses[6].

Matches were also contracted with an eye upon worldly gear. The fortune-hunter was at work. It is significant to read of Thalna's proposal to Cornificia, 'an old dame of many marriages,' and of his rejection because his property did not amount to 800 *sestertia*[7]. Cicero's re-marriage late in life to his young ward

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[1] *ad fam.* XV, 7.

[2] *ad Att.* IX, 18, 2; 19, 2; X, 3*a*, 2; 7, 2.

[3] *Ib.* XV, 11.

[4] *Ib.* XV, 11 and 12.

[5] *ad fam.* XII, 7.

[6] *ad Att.* VI, 1, 25.

[7] *ad Att.* XIII, (28, 4), 29, 1.

Publilia was not without mercenary motives. Not unnaturally many unions proved loveless. Divorces grew frequent for infidelity or for capricious reasons. Not everyone found such flagrant cause to repudiate a wife as the younger Lentulus Spinther in 45 B.C.; Caesar had simply justified the dissolution of his marriage to Pompeia with the famous dictum that his wife must be above suspicion[1]; and Cicero tells of Paulla Valeria divorcing her husband without grounds alleged[2]. Indeed the unconcern with which marriage-ties were broken is nowhere better shewn than in Cicero's amazing professions of regard for his ex-son-in-law Dolabella, who had been divorced by Tullia for unpardonable misbehaviour. The frequency of re-marriage was a largely consequential feature. Cicero's daughter had three husbands; and Fulvia, before she married Mark Antony and so controlled the affairs of Galatia from her boudoir, had been the wife of Clodius and of Curio.

Without romantic qualities, some women proved themselves good housewives or diligent students. Terentia, Cicero's wife, had great capacity in handling property and accounts—a managing person in many ways; for, on the eve of the debate about the punishment of the Catilinarians, had she not, according to Plutarch, urged her husband to take an uncompromising line? The breach with his wife after thirty years of wedlock is one of the psychological puzzles in the chronicle of marital separations. Cicero's marriage could not be pictured, like Byron's, as foredoomed to failure: no sudden realization of incompatibility in temper accounted for the estrangement. Terentia's cool complacency may have been a foil to his oratorical impetuosity—exasperating qualities in her, no doubt, at certain junctures, and yet admirable in a matron entrusted with the control of business matters during his absence. Slowly a gulf widened between them, and the letters grow colder, till they end in domestic instructions not courteous enough to send to a housekeeper. Atticus' sister, Pomponia, with all her shrewishness, was a thrifty housewife, for her son records her careful way of checking wine-jars to prevent pilfering by slaves[3]. Caerellia, Cicero's most learned lady-friend, was of a different stamp. Keen on philosophy, she copied books by Cicero from Atticus' *librarii* and took pains to obtain early copies of his treatises[4]. The malice of Dio Cassius sought to besmirch the innocence of her relations with Cicero: perhaps the best disproof of his libel is the fact that she was an emissary sent to induce Cicero to re-marry Publilia[1]. It was an age when reputations were readily assailed: Attica, the daughter of Cicero's friend, studied privately under Epirota, and gossip made free with their names.

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[1] Plutarch, *Caesar*, 10, 6; Suet. *Div. Iul.* 74.

[2] *ad fam.* VIII, 7.

[3] *ad fam.* XVI, 26.

[4] *ad Att.* XIII, 21, 5; 22, 3.

Often there was ample provocation for talk. Some women were in league with extremists. As supporters of Catiline Sallust[2] mentions women whose extravagance and debts pointed them towards revolution as a way out. Among them is described Sempronia, a good-looking married lady, well read in Greek and Latin, musically accomplished, too fond of gaiety to consider her honour and too clever a dancer to be virtuous. Talented in the use of language, she wrote verses, and could both charm and shock by her conversation. To her husband, who had opposed Saturninus and was consul in 77, she bore D. Junius Brutus, one of Caesar's murderers. Dangerous women, too, came from overseas. Cicero watched the *liaison* between Caesar and Cleopatra with anxiety lest this over-attractive Eastern woman might become a sort of empress in Rome. 'I loathe Her Majesty' (*reginam odi*, *ad Att.* xv, 15, 2), says he, detesting her agents and her promised gifts to himself. Her airs had been insufferable when she stayed at Caesar's trans-Tiberine villa, and so he hopes that Cleopatra and her brat Caesarion have come to grief since leaving the city after the Ides of March[3].

But among Roman women of birth who gave themselves to a life of pleasure among the fast set in the period following Cicero's consulate, the most notorious was Clodia, wife of Q. Metellus, and the 'Lesbia' of Catullus' love-poems. A gifted woman, reckless in extravagance and generosity, Clodia, both as wife and widow, bade defiance to convention. Her appearances in public with male friends, her garden-parties by the river, her boating excursions at Baiae, her ceaseless round of revelry and music among a succession of amorous admirers gave her a bad name which Cicero avidly took occasion to emphasize and exaggerate when summoned to defend Caelius on certain criminal charges, including one of attempting to poison Clodia. This smart dandy, of equestrian family from Puteoli, had been a diligent pupil in oratory under Cicero, who liked his talent in clever speech and racy letter-writing. One of the wild roysterers about town, Caelius was also a social success, and, entering the circle of Clodia's gallants, ousted Catullus from her favour. The subsequent cooling of Caelius' passion stung Clodia into the charges which it fell to Cicero, as counsel with Crassus, to rebut in his devastating counter-indictment of 'this Palatine Medea.' He launches his main onslaught with the ironical innuendo: 'I never thought it desirable to be on bad terms with ladies, especially with one who has the character of being lady-friend to everybody.'

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[1] *ad Att.* xiv, 19, 4. [2] *Cat.* 24–5. [3] *ad Att.* xiv, 20, 2.

The implication here, the additional allusions to her *meretricia vita*, and the epithet *quadrantaria* force upon our notice the class of women who served the lusts of Rome for money. The comparative freedom in social intercourse between the sexes which Nepos in his Preface illustrates from the Roman habit of taking a wife to a banquet, in contrast with Greek seclusion, tended to accentuate the dishonour attached to furtive amours with loose women. Prostitution was, according to Roman sentiment, a disgrace for both parties, although Cicero, holding a brief for Caelius, propounds an indulgent 'wild oats' plea out of keeping with the respect which as a moralist he shews for the family[1]. Elsewhere it suits him to stigmatize Catiline, Clodius and Antony in turn for irregular attachments[2]; and he is nervously apologetic in his confession that he had met at dinner the *mima* Cytheris who became Antony's mistress[3]. It is but right to say that courtesans in Rome held no such elevated position as the educated *hetaerae* in Greece[4]. Moral rigidity kept the Roman from granting them too many privileges. Women adopting a career of shame were obliged to take out a licence at the aedile's office[5]: once registered, a name could never be erased. Distinctive dress, dyed hair, and civil disability were further marks of outward reprobation. But this did not prevent their appearance, flaunting their finery, at circus, theatre, or banquet: they might thread the narrow streets, lolling in a litter, bejewelled, scented, and fanned by slaves. There is only too clear evidence of the harm they wrought. Rapacious wantons of what Catullus calls the *salax taberna* figure in his poems; and Lucretius has them in view when, treating the frenzy of love, he declares that a concentrated passion may cost more mental pain than *Venus volgivaga*[6]. Entanglement with a fashionable mistress might mean a noble patrimony squandered on dress, emeralds, feasting and drinking[7]; but 'from the midmost fountain of de-lights rises something of bitter to vex among the very flowers'—remorse over 'the misuse of time and damnation of the brothel' (*desidiose agere aetatem lustrisque perire*). Alongside of the relaxation of the marriage bond, the prevalence of such vice was a symptom of the social disintegration which Augustus and his advisers endeavoured to arrest.

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[1] *pro Caelio*, 12, 29–30; *de off.* I, 17, 54.

[2] *in Cat.* II, 10, 22–3; *pro Mil.* 21, 55; *Phil.* II, 28, 69; 41, 105.

[3] *ad fam.* IX, 26; *ad Att.* X, 10, 5; *Phil.* II, 24, 58; 31, 77.

[4] Lombroso and Ferrero in *La donna delinquente*, Torino, 1894, p. 239 overstate the facts: 'esse, come le etere in Grecia, esercitavano a Roma un' influenza grandissima.' Havelock Ellis, *Studies in the Psychology of Sex*, vol. VI, p. 239, takes a more guarded view.

[5] Tacitus, *Ann.* II, 85.

[6] IV, 1071.

[7] *Ib.* 1121–1140.

IV. SLAVES AND FREEDMEN

Strictly, slaves formed no part of Roman society: they were not, in law or in the common view, persons but chattels. They did, however, perform indispensable services as members of the *familia urbana* or *familia rustica*. In town, they were not confined to menial domestic duties like cleansing, waiting or cooking: they acted as messengers or attendants on travel, and educated slaves were employed as secretaries, copyists, librarians, *paedagogi* for children, or as physicians. Capitalists who owned palatial mansions kept in some instances staffs to produce materials rendering them largely independent of purchases from without, while some servile labour was absorbed in factories for bricks, pottery and metal implements. Rome's wars were the most fertile source of slaves: a single victory of Caesar's yielded 53,000 saleable captives (p. 555), and Cicero's little hill war in Asia involved loss of liberty for his prisoners (*mancipia venibant Saturnalibus tertiis*, *ad Att.* v, 20, 5). Piratic kidnapping, breeding of home-born slaves (*vernae*), and forfeiture of freedom under debt-laws had raised the servile population in Rome to well over 200,000. In the country, too, Varro's evidence is that skilled slaves were needed on a productive estate for its olives, vines, fields and game; while bondsmen of a rougher and more dangerous sort were on the wild pastures.

Though a kind master, Cicero accepted the customary theory of slavery. Feeling short-handed at Rome and on his estates, he gladly accepted his brother's promise to get him Gallic slaves[1]. He wanted a friend's runaway slave traced in Asia[2]; and in 46 B.C. he urged the governor of Illyricum to arrest Dionysius, his own slave, with whom he was angry for purloining books[3]. The hue-and-cry after this defaulter was being kept up the year after by the next governor (*ad fam.* v, 9). In the correspondence slaves cross the scene repeatedly. They are the *pueri* who carry letters: they are discussed—to be sold or not—when Cicero writes to Terentia about their possible confiscation consequent on his exile and about the expediency of declaring some of them free. Again, they are the copyists in Atticus' service, completing the manuscript of the *Academica*[1]. In one case three of them, Pharnaces, Antaeus and Salvius, are specifically asked to delete an erroneous name from copies of the *Pro Ligario*[2].

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[1] *ad Q.F.* III, 9, 4. [2] *Ib.* I, 2, 14. [3] *ad fam.* XIII, 77, 3.

Usually Cicero is conscious of a social gap severing him from bondsmen. He is half apologetic over showing grief at the decease of an attractive young servant who used to read to him (*puer festivus, anagnostes noster*): 'it affected me more than it seemed the death of a slave should[3].' Yet the incident supplies the key to his attitude. It was culture and community of literary interests that bridged the gap, and the great example of this is the delightful relationship subsisting between Cicero and Tiro. To this faithful servant there fell difficult and easy tasks alike—from tangled business problems to mere household routine. As Cicero's chief secretary, it was his duty to deal with correspondence and accounts, and execute responsible commissions such as negotiating a loan or demanding arrears of interest. Domestic economy also came under his purview—arrangements for a dinner-party, building projects, improvements in the garden. His literary powers fitted him to help Cicero in his writings, and, long surviving him, he edited the greater part of the correspondence. To qualities of brain he added mechanical skill in shorthand: 'Tiro can take down whole periods as you say them,' remarks his master, explaining by way of contrast that a letter to Varro, which needed careful phrasing, was dictated syllable by syllable to an under-clerk[4]. Little wonder then that the letters to him are as affectionate as they are confidential. When Tiro grew seriously ill and was left at Patrae on the homeward journey from Cilicia, Cicero showed acute distress. One day in anxiety he wrote three times to Tiro entreating him to take the greatest care of his health. 'Your services to me are beyond reckoning—at home, in the forum, in the city, in my province: in private and public affairs, in my studies and compositions. You will surpass all this by letting me see you, as I hope, well and strong[5].'

No slave ever better deserved emancipation. When Cicero rewarded Tiro with liberty, he got a letter from his brother Quintus thanking him for a new friend. Tiro thus makes a transition between the classes of slaves and freedmen. By purchasing a small farm he acted in a typical way; for the freedman, in virtue of his saved *peculium* or his master's bounty, was regularly enabled to own property or start business subject to the customary observance of *officium et obsequium* and the performance, in certain cases, of specified services (*operae officiales vel fabriles*). He might or might not leave his patron's house, but many avenues lay open in commerce or industry. Some freedmen remained confidential secretaries and literary advisers like Tiro: some were financial agents like Philotimus, Terentia's servant, so much distrusted by Cicero that he wrote cryptically in Greek to Atticus about his faults; and some were political agents like Caesar's Diochares or Pompey's Theophanes. Success turned the heads of some; for another of Pompey's freedmen, Demetrius, would impudently take his place at table before his master received his guests[1]. He got possession of agreeable pleasure-grounds in the suburbs. A man of different tastes was Apollonius, once Crassus' *libertus*, and engaged on a Greek account of Caesar's exploits when Cicero commended him to Caesar in 45[2]. We should not leave this subject without calling attention to the continuous infiltration of foreign blood into the citizen-body as the result of unfettered manumission.

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[1] *ad Att.* XIII, 23.
[2] *ad Att.* XIII, 44, 3.
[3] *ad Att.* I, 12, 4.
[4] *ad Att.* XIII, 25, 3.
[5] *ad fam.* XVI, 4, 3.

V. SOURCES OF LIVELIHOOD

No one could have called the Romans a nation of shopkeepers: there was more truth in the epigram that their main industry was war. In great measure Rome lived on her conquests, growing rich at the expense of her dominions, especially in the East. Her stock of capital had accumulated out of plunder as the fruit of victory and tribute as the price of administration. Governors and *publicani* amassed riches by unscrupulous exactions, and the operations of bankers yielded handsome profits. This flow of wealth into a city no longer the chief town of an agricultural people, but a cosmopolitan caravanserai, made Rome independent of the economic fact that her imports in foodstuffs, raw materials, luxuries and art vastly surpassed in value her visible exports. For, despite a conventional disdain for trade, her commerce steadily increased. It was in accord with the old prejudice of a landed aristocracy that Cicero summarized the antipathy to manual labourers and retail vendors—the former were not artists and the latter 'would get no profits without a good deal of lying[3].' Senators were forbidden by law to trade or to own large ships: their fortunes were understood to be derived from estates or oftener from such extortion in the provinces as Cicero charges against Verres. Heavy debt encumbrances were very frequent. If, however, a nobleman had money to invest, he might be a hidden partner in a company venture or money-lending firm. Cicero, when governor of Cilicia, discovered that M. Brutus, 'an honourable man' as literature assures us, had invested money widely on loan in Cyprus, and, in defiance of Brutus' imperious tone, he declined to enforce to the uttermost the shamefully oppressive contracts made with the provincials: in particular, he objected to agents of this philosophic gentleman starving defaulting debtors to death. In Rome, Crassus added to his notorious and unpopular wealth by emergency purchases of properties on fire or of adjoining properties. The sources of Cicero's own wealth have often been investigated. He inherited a moderate patrimony: then his practice as advocate brought considerable returns, not in fees (which were illegal) but in presents and in legacies from grateful clients. We know of his accepting a library as a gift, and in the last year of his life he acknowledges having received in legacies the sum of twenty million sesterces[1]. Such bequests might spring from gratitude, but the motive of sheer vanity also prompted citizens to associate their names through their wills with prominent people. Thus on one occasion Cicero found himself co-heir with his arch-enemy Clodius, and on another with Caesar. In administering Cilicia he set his face against rapacity: even so his year yielded him over two million sesterces in the current *cistophori*. These savings, placed with companies of *publicani* in Asia, were largely wasted on a loan to Pompey. Cicero drew rents from properties in Rome, and earmarked some of these for the allowance which young Marcus frittered away in his student days at Athens[2].

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[1] Plutarch, *Pomp.* 40.

[2] *ad fam.* XIII, 16.

[3] *de off.* I, 42, 150–1.

Equestrian wealth, as previously noted, brings before us the handling of money, tax-farming, and management of businesses either by companies for the benefit of shareholders or by an individual for personal profit. Atticus has appeared in another connection. The Roman knight Oppius was a sort of junior partner with L. Cornelius Balbus (to be distinguished from the devoted Pompeian T. Ampius Balbus). Of good Spanish stock, Balbus received citizenship from Pompey. When propraetor in Further Spain, Caesar had discerned his ability, and he appointed him a confidential agent in Rome during the Gallic campaigns. His power in the city excited jealousy and an attack on the legality of his citizenship. Put on trial, he was championed by Pompey, Crassus and Cicero, whose *Pro Balbo* won a favourable verdict. Oppius and Balbus both tried to keep Cicero from joining Pompey and they financed prominent Romans, without interest, to make them Caesarian. They had also a turn for intellectual things—Balbus for philosophy and Oppius for biography. C. Matius Calvena, a financier, and a friend of Cicero, though not in agreement with his politics, was representative of the moderate men in business who rested their hopes of security on Caesar and were incensed against his assassins. Matius' letter after the murder claiming the right to grieve openly for one whom he considered a friend is deservedly admired for its unaffected frankness[1]. His share in financing public games to be given by Octavius met with Cicero's disapproval.

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[1] *Phil.* II, 16, 40.

[2] *ad Att.* XV, 20, 4.

Without examining in detail the economics of the age, it is desirable to avoid certain misconceptions. We must not underestimate the rural prosperity of Italy or the free labour in town and country or the volume of industry and trade. From the country war-service had drawn away many small proprietors never to return: they met their death or settled in Rome or emigrated, thereby contributing to the Romanization of the provinces[2]. But the peasant had not entirely died out, and much of Italy, despite ravages, re-allotments, and the increase of pasturage and stock-breeding over corn-growing, was in a fair state of cultivation. It should be made clear that the Sullan and post-Sullan periods were not periods of decay either in an economic or in a cultural sense. The affluence of a town like Pompeii had more than begun, and this interests us, as Cicero owned a residence there. Once a poor little place, it now possessed shops and elaborate houses reflecting the flourishing condition of Campania especially in wine-production. Varro, writing his *Res Rusticae* soon after Cicero's death, and Virgil in the *Georgics*, though the one may have in view capitalist villa-owners and the other ordinary farmers, alike bear witness to the natural resources of the land.

In Rome, alongside of workless and often worthless proletarians, there were hundreds of free shopkeepers and busy artisans. Evidence from inscriptions is much fuller for the imperial period, but many trades and industries had their foundations firmly laid before the Republic ended. The financial heart of all was the Forum, the central piazza, where men carried on traffic in shares and security-bonds, and made purchases, for ready money or credit, of dwellings, shops, warehouses, farms, estates, slaves, cattle, ships and cargoes. To satisfy the wants of an urban population in food, clothes, housing, tools, furniture, ware, and adornment of homes mean and great, to furnish material for public edifices and road-making, to meet the requirements of army, navy and mercantile marine, and to render possible the work at farms and villas, specialized industries inevitably multiplied. Trade made corresponding progress[1], aided by a network of better roads and safer sea-routes. But there were troubles, as recurrent financial crises showed. Ancient means of supply or of demand involved losses only to be covered by contracting loans at ruinous rates. An example of fluctuating fortune is seen in Rabirius Postumus, the enterprising merchant-adventurer whom Cicero defended in 55 B.C. His father was a knight who did well in business, and he himself advanced loans to many cities abroad and to Ptolemy 'the Flute-player,' who needed money to recover the Egyptian throne. When, thanks to the collusion of Gabinius, proconsul of Syria, Ptolemy at last returned to Alexandria, Rabirius became financial controller of Egypt, and despatched a flotilla to Puteoli with cargoes of such products as cloth, glass and papyrus. Though failure in this scheme was punished by imprisonment for a time in Egypt, Rabirius typifies the imaginative man of business whose operations in banking and trading were conducted on an almost international scale.

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[1] *ad fam.* xi, 28.

[2] See M. Rostovtzeff, *A Social and Economic History of the Roman Empire*, p. 33 and p. 495. He believes, contrary to Heitland, that peasant emigrants and peasant agriculturists were numerous.

VI. EXTERNAL CONDITIONS OF LIFE

In high society the parade of wealth was an obvious characteristic of the day. Historians, orators, moralists and poets comment on the perniciously extravagant fashions then prevalent. Marius had made a spirited attack on the self-indulgence of the nobility; and luxury during Cicero's youth may be illustrated from Sulla's household, rich in oriental furniture and art, and manned by slaves who ministered to aesthetic and often immoral tastes. Sulla's well-groomed freedman, Chrysogonus, throve on the purchase of forfeited estates, and amassed a rich collection of paintings and of marble or bronze statues. Cicero enables us to picture his vulgar display. He specifies along with his Corinthian and Delian treasures, a 'self-cooker,' *authepsa*[2], which the upstart bought for such an outrageously high price at a sale that bystanders, ignorant of the Greek word, thought some enormous estate was being knocked down to him. In the time of Cicero's manhood the profuse expenditure of his noble friend Lucullus on banquets, residences and gardens made his name proverbial[1]. After his Mithridatic campaigns Lucullus gradually withdrew from public life, preferring to spend his Asiatic wealth ostentatiously on his villas at Tusculum and Naples. His gigantic schemes to lay out parks and fishponds appear to have involved levelling hills and invading the sea. To the lavish pleasures of his table, however, he added intellectual interests: he offered warm hospitality to philosophical and literary Greeks, and generously put his valuable library at the disposal of consultants. Lucretius, ascetic in his Epicureanism, contrasts the magnificent splendour of such luxurious mansions unfavourably with the truer enjoyment of reclining on soft grass in the flowery springtime: simple needs are satisfied

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[1] J. Toutain, *The Economic Life of the Ancient World*, pp. 227–250, argues that Tenney Frank in *An Economic History of Rome* (ed. 2) underestimates the industry and trade of the period.

[2] *pro Rosc. Amer.* 46, 133.

> Though no gold statuettes of youths indoors
> May in the right hand hold the flaming lamps
> To serve the nightly feast with brilliancy—
> Though gold nor silver set the house agleam
> Nor harps make roofs with panels gilt resound. (II, 24–28)

There was no more significant feature of private life than what we may call the villa-habit. The passion for possessing residences in the country and by the sea in addition to sumptuous town houses was symptomatic of both luxury and restlessness. Lucretius illustrates the vain attempt to escape from self in the feverish dash from town to the rural villa:

> Oft from his mansion vast forth fares the man
> Who has grown sick of home: then straight returns,
> Finding no better luck abroad. Full-speed
> He drives his jennets to his country hall,
> As if he rushed to help a house on fire!
> He yawns the moment he has reached the door,
> Or sinks asleep and woos forgetfulness,
> Or e'en makes hurriedly again for town. (III, 1060–1067)

But other motives operated more laudable than mere restlessness. Cicero had eight villas—one, nearest to Rome, at Tusculum, one at Arpinum among his native hills; the remainder on the coast, at Antium, Astura, Formiae and in the Neapolitan district at Cumae, Puteoli, and Pompeii. He visited them for sound reasons of physical and mental health. 'No place,' he writes, 'gives me complete rest like Tusculum after all worries and hard work[2].' Once an internal illness drove him out there to recuperate. There were times too when he longed to study and think in quiet—but he knew some villas were more liable than others to the intrusion of callers and bores. Crowds of visitors at Formiae, for instance, hindered literary work[1], and the garrulity of Philippus, Octavian's step-father (nicknamed 'son of Amyntas' as if a Macedonian king!), could spoil the sweet solitude of Astura. Usually, however, his delight is unmixed: 'why am I not looking at my pretty villas—sweet gems of Italy?' (*ocellos Italiae, villulas meas, ad Att.* XVI, 6, 2), he asks; and he cannot bear to depart for Cilicia without taking leave of them in turn. Similar feelings recur at the outbreak of the Civil War—he may never see them again, he fears[2].

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[1] Plutarch, *Lucullus*, 39–42.

[2] *ad Att.* I, 5, 7.

If Cicero has not, like the younger Pliny, left a description detailed enough to furnish a ground-plan of a villa, we can at least follow his practical interest in his own houses and in his brother's. He arranges for improvements: he adds *exedrae* for holding discussions with friends: he criticizes architects freely when structural alterations are in progress. We catch glimpses of a pleasant country house bought for Quintus with fishpond, playing fountain, palaestra and shrubbery. Already comforts like the heating of floors by hot air had come in[3]. Nor was the appeal to taste and intellect overlooked. Books well arranged, Cicero felt, gave a house soul (*mens*): his library was an *Academeia*, as Atticus had an *Amaltheum*, Brutus a *Parthenon*, and Varro a *Museum*, where he wrote. Art too claimed consideration. There are repeated appeals to Atticus to choose articles of *vertu* for a gymnasium at Tusculum; Cicero wants Hermae of Pentelic marble with bronze heads sent him; and, when certain statues are landed at Caieta, he eagerly arranges for their transport inland. He needs pictures also for sitting-rooms. We get a realistic peep at him writing to Quintus beside the carved lampstand which he liked because his brother got it made in Samos. Naturally, not every work gave satisfaction: once Fadius Gallus bought for Cicero more statues than he wanted—unsuitable ones too; and an amusing letter[4] tells him that the money would have been better spent on a place of call at Tarracina to afford a rest overnight on the journey along the Via Appia to Formiae.

Varro[5] draws the contrast between the fashionable villa and the older farm-steading built to meet agricultural needs. 'Nowadays,' he remarks, 'size and adornment in the villa urbana is the main object: men vie with the country houses of Metellus or Lucullus

[1] *ad Att.* II, 14. [2] *Ib.* VIII, 9, 3. [3] Val. Max. IX, 1, 1.
[4] *ad fam.* VII, 23. [5] *Res Rust.* I, xiii, 6–7.

—the building of which has been a national disaster' (*villas pessimo publico aedificatas*). Elsewhere he touches on different sorts of villas[1]. In some we see business premises for securing profits from land and from live-stock in accordance with the advice in his handbook: others are rich in furniture of citrus-wood, gay in gold and vermilion, and tastefully floored with a tessellated pavement (*emblema*). A wealthy landowner like Varro combined the practical with the ornamental. He was keen on stock-rearing within the precincts of the villa (*de villaticis pastionibus*)—rearing, that is, not sheep, but birds like peacocks, field-fares, pigeons, ducks, besides game, snails, bees and fish. His aviary at Casinum was renowned; but his garden and still more his library stirred the envious admiration of Cicero.

The prominence of villas directs attention to conditions of travel and the transmission of letters. Journeys by road, whether by horse or mule, whether in light *cisium* or four-wheeled *reda*, whether with few or many attendants, were, judged by modern standards, painfully slow. Still slower progress was possible in a *lectica* borne by poles on the shoulders of slaves: at times, as on the bay of Naples, recourse might be had to a boat[2]. Since breaks of journey were often unavoidable, *deversoria*, or lodges, were arranged for as places of call, some of them little more than night-shelters for the retinue of an important personage. An alternative was to stay with friends, as Cicero did on the Via Appia when he was put up in Philemon's villa at Ulubrae, and listened to the frogs croaking in the marshes[3]. While the main roads were under public control, some country ones were left to local proprietors, and might be bad and fatiguing, as Cicero found the road to Aquinum[4]. The speed attained depended on many factors. Cicero instances a man who travelled 56 miles in 10 hours during the night from Rome into Umbria in a light vehicle of the sort kept for hire at stages along the chief roads (*cisiis pervolavit*, *Pro Rosc. Amer.* 7, 19). Ordinary couriers and travellers averaged five Roman miles an hour, or a modest rate of about 50 miles a day. This was eclipsed by imperial despatch-bearers who could in cases of urgency cover 160 miles in 24 hours[5]; and it is recorded that Caesar travelled 100 miles a day for some days in succession, driving in a hired *reda*[6].

The absence of regular postal facilities in Cicero's day obliged ordinary correspondents to employ slaves or freedmen to carry letters. If lucky, they might get the expeditious service of the *tabellarii* of *publicani* travelling with business documents between Rome and the provinces. There were hazards to face—carelessness, interception, brigandage. A letter might never be delivered, or might be spoilt by rain[1]. The conditions of travel and correspondence come home vividly, as we read[2] of the dark November morning on which Cicero took the road from Sinuessa by torchlight, and had just sent away his torchbearers when he was met by a letter-carrier bringing a note which as yet there was not enough daylight to read. It is interesting to observe the time taken by letters on the way. At Puteoli Cicero might expect letters from Rome dated from two to four days earlier[3]. One letter took the unusually long time of six days to Puteoli[4]: by way of contrast we have a letter from Rome acknowledged which travelled fast to Pompeii in two complete days[5]. Despatches from Gallia Narbonensis reached the city in ten days. Longer distances involved additional risks from bad weather or a sea voyage. Caesar wrote twice to Cicero from Britain: the first letter took 26, the second 28 days to reach Rome. Similarly a letter from Cilicia to the capital would take a month in favourable circumstances. At the beginning of May Cicero received in Laodicea a bulletin of Roman news up to March 15th: his letters *via* Tarsus arrived about two months old.

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[1] *Res Rust.* III, ii.

[2] *ad Att.* XIV, 20, 1.

[3] *ad fam.* VII, 18, 3.

[4] *ad Att.* XVI, 13*a*.

[5] Friedländer, *Sittengeschichte der röm. Kaiserzeit*⁸, II, p. 22 *sq.*

[6] Suet. *Div. Iul.* 57; cf. Plutarch, *Caes.* 17.

VII. SOCIAL AND INTELLECTUAL CULTURE

Cicero is in the fullest sense typical of the social culture of his day—its education, learning and literature, language, manners and outlook on mankind. His education, planned by his father when he came from Arpinum, ensured wide acquaintance with Greek and Latin literature, with rhetorical principles, and philosophic thought. Earnestness and wellnigh unbelievable diligence marked his multifarious studies. Above all, he took daily exercise in private declamation.[6] He attached himself to the orators of the previous generation, Antonius and Crassus, as Caelius afterwards became his apprentice. When he was about 21, a lull in the storm of civil strife opened up a valuable stretch of advanced study (*triennium fere fuit urbs sine armis*). After two years at the bar, he went in 79 on an eastern tour to follow 'post-graduate' courses in the thought and oratory of Athens and Rhodes. But Cicero's education in reality never ended. Again and again he gladly fell back on study, eager to learn from Greek speculation and to transmit it to his countrymen. He was, indeed, a teacher as well as a learner, and would have welcomed even the Persius whom Lucilius deemed too erudite to be a sympathetic reader[1]. Similar methods of training were handed on to the younger generation. The Cicero cousins, Marcus junior, and Quintus junior, had great pains expended on them, and were initiated into foreign travel when Cicero took them to his province and arranged for their residence at the court of King Deiotarus and for the continuance of their lessons under Dionysius[2]. The one needed a spur, the other a bridle[3]. Later they were students at Athens, where Marcus, given to festive company, outran his fond parent's allowance. Both son and nephew in many ways disappointed Cicero's hopes.

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[1] *ad Q.F.* II, 10, 4.
[2] *ad Att.* XVI, 13*a*.
[3] *Ib.* XIV, 20.
[4] *Ib.* XIV, 13, 1.
[5] *Ib.* XIV, 18, 1.
[6] *Brutus*, 90, 308–9.

The intellectual standard attained is evident from Cicero's own learning, the literary achievement of the age, and the spread of culture. Speeches, treatises and epistles alike show his passion for Greek classics and old Latin literature. A wonderful memory guaranteed a power of copious and apt quotation from the writers of both languages. Admiringly conscious of the triumphs of Hellenism, Cicero turns with loving patriotism to the earlier Latin poets, citing them with an affection which is most noticeable in the case of Ennius. He insists on knowledge of Latin literature and even of Latin translations from Greek as essential to Roman culture[4]. Some quotations run in his head as favourites and recur in different parts of his works, such as Naevius' *laudari a laudato viro*, Ennius' *unus homo nobis* and Accius' *oderint dum metuant*. But literary history owes to Cicero alone the preservation of a large variety of fragments from primitive Latin authors—many of them passages of considerable length quoted for their thought or merit instead of those linguistic curiosities which attract grammarians and lexicographers. Just as he delighted in quoting an old play, so he maintained his interest in contemporary drama. He had met the aged Accius; he knew the chief actors of the day, Aesopus and Roscius; and it is from personal acquaintance with the theatre that he mentions witnessing mimes by Laberius and Publilius, records the quickness of audiences to read political allusions into dramatic lines, instances the elocutionary power of an actor, and condemns the overdoing of scenic display in plays like Accius' *Clytem(n)estra* or Andronicus' *Trojan Horse*[5].

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[1] *de fin.* I, 3, 7.

[2] *ad Q.F.* II, 12, 2; III, 3, 1 and 4.

[3] *ad Att.* VI, 1, 12.

[4] *de fin.* I, 2, 4–10.

[5] *ad fam.* VII, 1, 2; XII, 18, 2; *pro Sestio* 56, 120–123.

With most of the great figures in contemporary literature Cicero had some contact. How much he knew about Catullus' infatuation for Clodia, in whose graces Caelius supplanted him, and how far he classed the poet with Alexandrine imitators (*cantores Euphorionis*) we cannot tell: he seems once at least to echo a phrase of his ('softer than the tip of the ear,' *ad Q.F.* II, 13, 4), and there survives one little poem of thanks addressed to 'Mark Tully' for a kindness done to Catullus, who subscribes himself

> Of poets all as much the last
> As you're a pleader unsurpassed. (xlix, 6–7)

Cicero's acquaintance with Memmius, the dilettante noble on whose staff Catullus went to Bithynia and to whom Lucretius addressed his work, may have brought him into touch with both poets. Lucretius, at any rate, was influenced by Cicero's *Aratea*, and we know that Cicero and his brother were reading and criticizing his poem in 54 B.C. (p. 747). The correspondence constantly shows interest in literature old and new. We can picture him fingering lovingly the volumes in his library after their rearrangement by Tyrannio[1], or 'browsing on' an Aristotelian library, as he writes from Cumae[2], or absorbed in Dicaearchus' *Constitution of Pallene* till the unwound roll is piled up in a huge heap on the floor[3]. Copies of his speeches go to Atticus to be criticized and copied; and his account of his consulship in Greek prose is submitted with the promise of a poem to follow (*ad Att.* I, 19, 10; I, 20, 6). In return, Atticus' history of the consulship is acknowledged—plain in style, the orator recognizes, beside his own florid handling (*ib.* II, 1, 1–3). Verses also go through Quintus to Gaul for Caesar's opinion (*ad Q.F.* II, 15, 5).

Such exchange of views by correspondence formed a parallel to those oral discussions with friends which made it easier for Cicero to adopt a dialogue frame-work for a treatise. He approaches Lucceius, then engaged on a history of the times, with a request for a eulogy on his consular services: he propounds the alternatives of weaving the consulate into the narrative or of composing a separate monograph. Even over-statement would be an acceptable tribute; for with cool assurance he remarks 'a letter doesn't blush[4].' Facing Varro, the great polymath whose canonic authority was evidenced in his collection of genuine Plautine plays, Cicero feels less confident. When occupied on the *De Republica*, he asks leave to use Atticus' library with the specified object of consulting Varro's writings. To him a letter, as mentioned, had to be dic-

[1] *ad Att.* IV, 4*a*, 1.

[2] *Ib.* IV, 10, 1.

[3] *Ib.* II, 2, 1.

[4] *ad fam.* V, 12, 1.

tated with scrupulous care, and no doubt Cicero took it for as high an honour to be permitted to dedicate the *Academica* to him as to accept the dedication of Varro's *De Lingua Latina*. The presentation copy of the *Academica* was prepared as an *édition de luxe*[1]. Here a certain severity in Varro overawed Cicero into a bashful nervousness about its possible reception, and a Homeric verse crosses his mind: 'a dread man he is, who might easily blame one that is blameless.' Other writers in the Ciceronian circle were the biographer Nepos, and Asinius Pollio. Next to Varro the most distinguished *littérateur* among Cicero's correspondents, Pollio wrote from Corduba about a *praetexta* by his fraudulent quaestor, the younger Balbus, dramatizing his adventure into Pompey's camp. Cicero is told he can, if interested, borrow the play from Pollio's literary friend, Cornelius Gallus[2]. It will be realized that just as Caesar himself could be orator, historian and philologist at choice (he dedicated his *De Analogia* to Cicero), so the diffusion of culture among his staff was marked. Business men, we have seen, had literary tastes; and houses of standing gained intellectually by the presence of Greek freedmen like Tyrannio, Tiro and Dionysius.

The language of refined society is well represented in the letters, though, as indicated, Cicero had more than one manner and ranged with ease from a formal to a conversational style, dotted here and there with the teasing or affectionate diminutives of spoken Latin, and sometimes as abrupt and elliptic as utterances overheard at one end of a telephone. In verbal mastery he far surpassed most of his correspondents; for it is exceptional to meet anything so good in their portion as the consolatory letter from Sulpicius on Tullia's death. From the license of foul abuse in such a speech as that against Piso (*e.g. belua*, *caenum*, *lutum*, *sordes*), it is clear that society on occasion tolerated a freedom of language in striking contrast with the polished diction of a philosophic dialogue. Some people, indeed—Stoics and others—made a parade of plain speaking, whether it outraged decency or not: it is, therefore, instructive to note Cicero's revulsion from words or phrases which, even if innocent in themselves, might by their very sound raise an obscene suggestion[3]. In one attractive passage he advocates a science of polite conversation, sketching principles calculated to save a social situation from tactless bores[4]. Much might be written on the pleasantries with which Cicero enlivened a trial, a debate, a dinner-party or the letters in which he plays up to the jocular style of Trebatius or Paetus. He plumed himself on his wit. He studied its very foundations in the *De Oratore*. It was not always in the best taste, nor always very funny; but he won a reputation for it. 'What an amusing consul we've got!' said Cato with a smile at Cicero's bantering of Stoicism in the *Pro Murena*[1]. To Clodius he seemed rather a 'Cynic' consular who could bark and bite. Men frequented his receptions to hear his smart sayings and ready repartees, and enthusiasts made anthologies of them.

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[1] *ad Att.* XIII, 25, 3.

[2] *ad fam.* X, 32.

[3] *Ib.* IX, 22.

[4] *de off.* I, 37, 132–5.

The manners pervading this complex society can only be glanced at. Nothing can restore its atmosphere so well as Cicero's pages, which recreate the etiquette of *salutatio*, *clientela*, electioneering and private life. 'I like a dinner-party,' he tells Paetus, 'I talk about whatever crops up, as the phrase goes, and I change sighs into loud laughter[2].' The manners sketched for 129 B.C. at the country house of Scipio[3] may serve as an index to the usages for some succeeding generations: there we observe the courteous welcome extended to guests, the announcement of visitors by a slave, the greetings exchanged among members of the company, and the formal guidance of late arrivals to a comfortable seat. The letters bring before us ceremonial calls like Pompey's at Cicero's Cuman villa in 55 B.C., when his political declarations had to be taken with needful caution; or Cicero's after-dinner call in his *lectica* at Pompey's park-residence to talk over Quintus' release from duty in Sardinia; or again Caesar's call on Cicero when serious business was ignored in favour of scholarship (φιλόλογα, *ad Att.* XIII, 52).

In theoretical ethics the ideal stood high, but the correspondence reveals laxities in the code of honour. Its flatteries and protestations of friendship contain much that is disingenuous. The testimonials in the *litterae commendaticiae* do not mean all they say; and apparently no shame is felt in opening and resealing letters intended for others, in forging complimentary letters to produce a favourable impression, or in disowning the authorship of a speech which has given offence in awkward directions. There are, however, indications of the spread of kindlier feelings towards misfortune and suffering. Consideration for slaves, as noted, was on the increase. The same Caesar who was responsible for inexorable massacres in Gaul and who wasted no chivalry on Vercingetorix showed broadminded mercy to his opponents in the Civil War. The same Cicero who, in describing his own operations, records without any sign of pity the slaughter or enslavement of Cilician mountaineers, expresses a tender compassion for the pain inflicted on fine animals and especially on elephants butchered to make a Roman holiday in 55 B.C.[1]; and he was horrified at the bloodthirsty threats of Pompey's supporters against their fellow-citizens.

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[1] Plutarch, *Cato min.* 21.

[2] *ad fam.* IX, 26, 2.

[3] *de Rep.* I, xi–xii.

A few words are due to a great force in Roman life—the strangely conglomerate fabric of domestic and public religion. There is no space for weighing it as an amalgam of primeval rural spirits with anthropomorphic Greek gods or as a set of beliefs concerning which, in an age of unrest, educated Romans harboured a profound scepticism[2]. *Religio* implied not so much sincere reverence at heart as scrupulous observance of prescribed ritual with a semi-timid apprehension of an incalculable Power and a semi-speculative eye on the chance of ultimate benefit. As in ancient times the farmer offered sacrifices expectant of divine favour in repayment, so the statesman valued ritual as a protection for the whole community. Romans seldom got rid of a bargaining tendency in their *pietas*, which for Cicero himself meant justice towards the gods. His petulant letter to Terentia at the beginning of his exile suggests that she has been shabbily treated for her feminine devotions: 'I wish, my love, to see you as soon as possible and die in your arms, since neither the gods whom you have most devoutly worshipped (*tu castissime coluisti*) nor men, whom I always served, have made us any return.' His interest in religious practices was confined to ceremonials of political importance. Himself an augur, he was proud of his office: to him, however, the study of the sky for omens seemed just a serviceable bit of State machinery, and the *ius divinum* a portion of the *ius civile*. The *De legibus*, in handling the religious aspect of constitutional law, contemplates a religion State-worked to maintain salutary relations between citizen and deities and so give the community the blessing of the *pax deorum*. It was thus an insurance against danger.

This strict adherence to formalism in religion was compatible with full liberty in probing the bases of such religion. Freedom of question about the gods remained permissible so long as they were outwardly worshipped. Some gave a sceptical or an atheistic answer. Cicero, in this respect like Varro, accepted the Stoic theory of a world-soul identifiable with Juppiter, the ultimate sanction for law and morality[3]. While he can denounce superstition, he does not deny the gods, but sees a divine hand in Roman history, in his own consulate, and in the foiling of Catiline[1]. Yet in all this there is no heavenly call upon the individual to live a good life, nor any clear sense of responsibility to a Supreme Being. On the question of immortality he wavers. Sulpicius, consoling Cicero on Tullia's death, states guardedly the hypothesis 'if the dead have consciousness[2],' and the phrase is curiously echoed in Cicero's speech about the same Sulpicius after his death[3]. Long before, speaking for his poet-friend, he had argued for human confidence in something to follow death[4]. The blow of his beloved daughter's death in February 45 B.C. forces the problem back upon him. His 'pet Tulliola,' as he calls her in one of the earliest letters when she was a girl of eleven, was always a joy and comfort to her father, who thought highly of her abilities. She had not failed him, as her mother did; and now, soon after bearing a son to Dolabella, she had passed away. He shut himself up at Astura, to spend long days alone in the woods thinking and mourning[5]. So noble a soul as hers could not perish, and for over a year he considered one plan after another for the erection not of a mere monument to her memory but of a shrine to her immortal spirit[6]. In this design to honour her sanctity he found a spiritual solace which aided the healing that came from friends' condolences, from the elaborate *Consolatio* composed by himself, and from his resolute immersion in those studies which invariably brought him peace.

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[1] *ad fam.* VII, 1, 3. [2] See above, vol. VIII, chap. XIV and below, vol. X.

[3] *Phil.* XI, 12, 28; *de legibus*, I, 6, 18; II, 4, 10; *de Rep.* III, 22, 16; *de nat. deor.* I, 15, 40.

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[1] *Phil.* IV, 4, 10; *ad Att.* I, 16, 6; *in Cat.* III, 9, 22.

[2] *ad fam.* IV, 5, 6.

[3] *Phil.* IX, 6, 13.

[4] *pro Archia*, 11, 29.

[5] *ad Att.* XII, 14 and 15.

[6] *Ib.* XII, 36, 1; 37, 2; 37*a*.

CHAPTER XX

THE ART OF THE ROMAN REPUBLIC

I. INTRODUCTORY: THE PROBLEM OF ORIGINS: ITALICS, ETRUSCANS AND GREEKS

TILL about forty years ago no serious attempt had been made to give Roman art its proper status as an original and vital expression of the Roman genius and civilization. The subject had long been obscured by doctrines traceable to Winckelmann and his disciples, who looked upon Rome solely as the heir of Greece, and ignored the native elements in her culture and her art. Even now that its merits have won recognition, they are more frequently attributed to the skill of Greek artists in adapting themselves to Roman conditions than to any artistic instinct inherent in the Roman people. Though it is impossible to deny the deep impress which Rome received from Greece and its effect upon her art, the forms and motives freely adopted from the Greeks no longer blind us to the underlying Roman and Italic strains, or conceal the creative instinct which turned borrowed material to new purpose. Roman art may be the result of a slow and painful elaboration rather than of spontaneous growth, but it is becoming evident that, like every great civilization, that of Rome produced in time an art peculiar to itself, receptive of contribution from other races, but preserving intact its own spiritual content.

Recognition of this truth is of recent date. The interest in Roman art which was first aroused by Wickhoff's theory of a Roman *Reichskunst* was concentrated on the art of the Empire. That of pre-Imperial Rome, on the other hand, continued to be represented by a few portraits and friezes of late Republican date, and few attempts were made to trace it back to its origins in the racial circumstances of the Italic peoples. Pliny's express statement as to the existence of a very ancient Italic art was virtually ignored and, though affinities were admitted between Roman and Etruscan art, little progress was made along that line of enquiry so long as the Etruscans were represented as rudely breaking into the old Italic civilization, and destroying its essential unity.

The difficult question of origins began to open out to its true proportions with a clearer knowledge of the cultural conditions of the peoples of ancient Italy. When once the two great pre-Etruscan civilizations—that of the *terremare* and that of the Villanovans—stood revealed in their full extent and significance, it became imperative to revise the opinions currently held of the Etruscans.

Whatever view is held of their provenance as a ruling caste, it is now generally admitted that their domination did not obliterate the Italic civilization of the Villanovans, and that Etruscan art stands out as merely one phase of a development which is continuous from the period of the *terremare* to that of Constantine. Its more progressive character was due to the early commercial contacts which, in virtue of the natural advantages of their soil, the Etruscans were able to establish with Oriental and Greek civilizations. This Etruscan art, which has already been described (vol. IV, pp. 421 *sqq.*), was largely indebted to Greece for its form and its subjects, but even in the sixth century B.C. when the spell of Ionia was strong upon it, it remained faithful to its Italic origins. From this fidelity it derived strength to stimulate to more active production the latent artistic currents in the more backward parts of the peninsula. Its influence, however, was by no means towards uniformity; on the contrary the archaeological material shows that it was modified according to the culture with which it came into contact. In Etruria itself local differences are as evident as common characteristics; while in Campania, in succession to the earlier culture of Etruscans and Greeks, there developed that Osco-Samnite variety of Italic art which eventually competed with the Etruscan in the formation of Roman art. One result of the better arrangement of the rich material contained in the many local museums of Italy is to demonstrate that there were differences as marked between the various art centres of ancient Italy, as between those of the Italy of the Middle Ages and of the Renascence.

In Rome Etruscan influence remained paramount till the changes which followed the expulsion of the Tarquins at the close of the sixth century. After these, Rome's cultural outlook expanded, and fresh contacts with Samnium and Campania, with Magna Graecia and later with Hellenistic Greece, contributed to enrich the old Italic stock and helped in the formation of Roman art, though three centuries and more went by before it blossomed out into a genuine expression of the national genius. This could only happen after a long struggle between the native and the borrowed Greek elements in the nascent art of the Republic. It was inevitable that Rome should feel the perennial attraction of the Greek mind

—of the beauty of Greek art with its perfected technical methods and sureness of aesthetic aim. Nevertheless, the underlying Italic factor remained constant and informing; it was too deeply rooted in national and religious life to be more than superficially affected by Greek influence. The question of Greek versus Roman was, it is true, transformed for a time into one of acute political partisanship; an advanced philhellenic party who welcomed and encouraged every form of Greek culture—its art, its philosophy, even its religion and its ritual—was violently opposed by a conservative party who feared, perhaps with reason, the disintegrating effects of foreign fashions.

The conflict was long protracted. When Virgil makes Anchises say that others are welcome to produce works of marble or of bronze, but that a just and peaceful rule will prove the basis of Rome's future greatness, he is giving an exalted and poetic form to a sentiment which may be traced back to Cato's fine scorn of the enthusiasm for those Greek statues which turned the Romans away from the traditional art of Italy. The opposition of men of Cato's stamp, and there were many[1], has too often been looked upon as a proof of barbarian insensibility on the part of the Romans to the charms of art. But it represented something deeper. It was originally inspired not so much by ignorance and prejudice as by a desire to stem the unmeasured adoption of foreign standards. The monuments themselves bear witness to a long period of oscillation between Italic traditions and Greek principles. Towards the end of the second century B.C., and more especially in the Sullan period, there were moments when Roman art might have succumbed to the fashionable Hellenism of the day, and petered out into futile imitations of the Greek. Roman commonsense soon began to readjust the balance and in the time of Caesar a reaction had already set in, though the Italic element was only restored to complete ascendancy under Augustus, whose life-long policy was to present the culture of the Roman Empire—whether expressed in art, religion or literature—as being one with that of ancient Italy[2].

This Italic element is appreciated very differently according to the angle from which it is viewed. What some regard as merits others judge to be gross errors and mere deformations of the aesthetic principles early put into practice by the Greeks. The question, however, is not one of academic standards, but of discovering without aesthetic bias what were the special qualities of Italic and Roman art and wherein and for what reasons its canons differed from the Greek. It is usual, for instance, to point to a fundamental difference between Italico-Roman 'realism' and Greek 'idealism,' between the Roman preference for individual traits and the more generic character of Greek art. Roman 'realism' arises out of the same interest in human individuality and its varied experiences that colours the Italic art of all periods; hence its inherent passion for portraiture, and for the representation of those *res gestae*, official or domestic, in which the Romans eventually attained to supreme excellence. On the other hand, owing to their cruder artistic vision, the Italics were apt to indulge their love of reality at the cost of plasticity: their harsh linear systems of form, their partiality for cubic and frontal effects, often contrast unfavourably with the more organic modulations of Greek art, while their desire to realize the third dimension in space led them in their reliefs to break into the surface of the background in a manner scarcely, if ever, tolerated by the Greeks.

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[1] On this intransigence see Furtwängler, *Die antiken Gemmen*, III, pp. 271 *sqq.*; E. Strong, *Art in Ancient Rome*, I, p. 74; F. Goethert, *Zur Kunst der Römischen Republik*, p. 27.

[2] G. Snijder in *Tijdschrift v. Geschiedenis*, XL, 1925, pp. 1 *sqq.*; *ib.* XLII, 1927, pp. 113–143. Cf. Ch. Picard, *Rev. E.L.* 1928 (Bull. Bibl. p. 7 *sq.*).

Such instances of an aesthetic sensibility inferior to the Greek could be infinitely multiplied, yet it would be unfair to put down all Italic deviations from the Greek canons to mere incapacity or to a misunderstanding of classic models. Owing to his realistic instinct the Italic artist felt impelled to discover means of expressive movements and situations which Greek art would undoubtedly have rejected but, to quote a recent criticism[1], this very indifference to purely aesthetic problems gave the Romans liberty to sin against the canons and rules imposed by the Greeks and thus to produce works which transcend in boldness anything that Hellenism had dared to attempt.

II. EARLY ETRUSCO-ITALIC ART

After what has already been said of Etruscan art in earlier volumes, this need only be touched upon here in so far as it affected the formation of that of Rome. Owing to the obscurity which envelopes the origins of the city and its early history it is difficult, however, to lay down with precision the date when Etruscan influence was first operative. So closely ringed was the Roman territory by great Etruscan or Etruscanized centres—Caere and Veii, Falerii and Fidenae, Praeneste and Tusculum—that we might expect Etruscan culture to have reached Rome long before the period of the Etruscan rule. Of this there is little or no trace. The finds made in the *Sepolcreto*—the old burial ground in the valley of the Forum—show affinity only with the material from the cemeteries of the Alban hills, and almost nothing has been discovered on Roman soil to betray kinship with the rich civilization disclosed in the princely tombs of Caere or Praeneste[1]. As it is, the earliest work of art that can be safely connected with Rome belongs to the advanced Etrusco-Italic phase of the closing years of the sixth century. This is the famous terracotta group in the Museo di Villa Giulia known as 'the Contest for the Sacred Hind,' which was found in the Capitolium of Etruscan Veii and which it is therefore reasonable to attribute to the school of that same Volca of Veii who made the cult statue of Jupiter for the Capitoline temple and other works in Rome (see above, vol. IV, p. 424 *sq.*).

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[1] G. Kaschnitz-Weinberg in *Formes*, October 1930, p. 7.

The group can thus teach us what the early Roman statues were probably like, which were executed by Etruscan artists or under their immediate influence. Technique and composition evidently derive from Ionia, but in the Apollo, to take the outstanding figure of the group, the Italic love of accentuation is evident in the heavy modelling of the face, in the full lips and chin, in the thick twisted curls and the deep groovings of the hair[2]. Italic also are the intensity of the glance and the jubilant fierceness of the expression, the savagery of the stride and the almost clumsy prominence of the muscles on the sinewy legs and arms. The same violent effects recur in the antefixes in the shape of Gorgon masks, of the same Veientane temple[3]. Here again conception and form doubtless derive from Greek prototypes, but a new terror has been imparted to this Italic Gorgon by the deep modelling of the furrows around the mouth and of the writhing snakes that encircle the face. The artist attempts to differentiate expression, as in the group itself where the Hermes wears the tranquil smile of an amused spectator in fine contrast to the passionate eagerness of the Apollo[4].

In the utter dearth of any Roman statuary of very early date a curious and little known head, in the Villa Giulia, from Civita Castellana (Falerii Veteres) may throw light on the *ars statuaria vetustissima*, examples of which were still known to Pliny[5]. Whether Etruscan or purely Italic, it belongs to an earlier stage of art than the 'Contest for the Sacred Hind.' It was found on the site of the venerable temple of *Juno Quiritis*, and, being over life-size, probably belonged to the ancient cult image of the temple, preserved by the piety of successive generations. The low forehead, the large and bulging eyes, the prominent chin and the thick rolled strands of hair are familiar Italic traits[1]. The unattractive spongy material—a tufaceous stone known as *nenfro*—was possibly coloured, the effect of the colouring being further enhanced by the wreath of burnished or gilt bronze, fragments of which still adhere to the hair. We may gain an idea of the general effect from the alabaster statuette of a goddess in the British Museum, which still retains traces of colour and can only be very little later in date than the Falerii fragment[2].

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[1] Volume of Plates IV, 32, *a*.
[2] *Ib.* 34, *a*.
[3] *Ib.* 34, *c*, *d*.
[4] *Ib.* 34, *b*.
[5] *N.H.* XXXIV, 33.

It is not, however, in the rendering of divine but of human beings that Italic art excelled from the first. Its power of individualization which was destined to triumph in Roman portraiture had early set its mark on that of pre-Roman Italy; witness two uncouth terracotta heads of the mid-sixth century, from sarcophagus lids, in the Museo Gregoriano of the Vatican[3]: the woman with the redundant cheeks and chin of placid middle age, the man—the more closely studied of the two—with keen eyes, lips tight closed like a trap, large inquisitive ears, and soft felt cap pushed back from the forehead. In spite of the inadequate technique this is already true portraiture, as distinct from the exalted Greek conception of type or from mere vulgar likeness.

The portrait instinct was doubtless fostered in ancient Italy by the religious conviction that the ultramundane life of the individual depended on fixing his image for the survivors. Hence those strange anthropoid urns with portrait lids known as *canopi*, which are a humanized version of the Villanovan type of burial vase. They are peculiar to Chiusi, where the Villanovan culture admittedly survived almost to the historic period. The very shape of the Villanovan vase lends itself to the human form: the lid, an inverted cup, often receives a crest-like ornament, sometimes further transformed into a helmet; a human face or mask[4] is next suspended from the neck; soon the whole lid becomes a head, while the handles turn into arms, and breasts are sometimes indicated on the body of the vase. We have here the germ of the later Roman portrait bust—a shape practically unknown to the Greeks, except as terminal shaft, until a quite late period. One of these urns at Arezzo[1] is an astonishing piece of portraiture: skull and facial oval form an harmonious whole, the mouth is well drawn, the eyes large and far-seeing, the planes of the face sharply defined. These Italic characteristics persisted for centuries and recur with new force in the Imperial portraiture of the fourth century A.D.—in the Constantine of the Basilica Nova, for instance, which shows the same architectural structure of the head, the same wide-open eyes with the far-off gaze that befits alike the ruler and the dead. Other Chiusine urns are executed in a brilliant dashing style, such as the portrait of a youth whose proud bearing and aristocratic insolence anticipate Pollaiuolo's portrait, in the Bargello, of a young *Condottiere*. The head is of stone and the body of metal; the whole effect is heightened by the beautiful high-backed chair with carved griffins on which the urn sits as on a throne[2].

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[1] Volume of Plates iv, 32, *b*. [2] *Ib.* 32, *c*. [3] *Ib.* 36, *a*.

[4] The canopic portrait-head is often looked upon as the humanization of these masks, which are themselves of singular interest, no two of them being alike. See H. Mühlestein, *Die Kunst der Etrusker*, p. 227 to plates 147, 148.

Like the portrait bust, the portrait statue also seems to derive from the canopic urn. The lid of a Chiusine *canopus*, for instance, might be used as the base to support one or more figures[3]. Good instances are the well-known group in Florence of a man seated at table and waited upon by his servant ('Banquet of the Blessed')[4], and the half-figure at Chiusi of a goddess or deified mortal[5], a powerful work, curiously modern in feeling, in which the cubic build, the heavy plaits and the fervour of the crossed hands suggest comparison with some Madonna by Epstein.

So intimate was the connection between the dead and his urn, so strong the anthropomorphic instinct, that the whole cinerary recipient might be transformed into a statue. To this class belong two interesting male effigies in the British Museum, one with a removable head for the insertion of the ashes[6] and the other seated in the round-backed chair familiar from Etruscan tombs[7]. These bearded aristocrats might be the elder brothers of our Chiusine *Condottiere*, not unworthy to rank as portraits of ancient Villanovan rulers or their immediate descendants.

During the later part of the fifth century and most of the fourth Etruscan art ceased to be creative, owing probably to the political depression brought about by the unequal contest with Rome. Towards the close of the fourth century, however, a new spirit was stirring, due to the influence which Rome, now mistress of Etruria, was beginning to exert upon its culture. The portraits of the sarcophagi and urns of the third and second centuries B.C. provide excellent material for the study of this new phase.

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[1] Volume of Plates iv, 36, *b*. [2] *Ib*. 36, *c*. [3] *Ib*. 38, *a*.

[4] L. Milani, *Museo archeologico di Firenze*, II, plate 76.

[5] Volume of Plates iv, 38, *b*. [6] *Ib*. 38, *c*. [7] *Ib*. 38, *d*.

The figure on the Chiusine sarcophagus now in Florence, called, out of compliment to Catullus, the *obesus Etruscus*, is a remarkable study of a man overtaken in middle life by a monstrous corpulence[1]. There is poignant, if unintentional, irony in the rendering of the flabby paunch, the shapeless waist, the inert right arm, too fat and heavy to detach itself from the body. The execution is summary and without much detail; a finer finish, a greater care expended on realistic features, might have made the whole work repulsive or turned it into caricature; as it is, the discreet handling invests this mountain of flesh with a certain dignity; the artist finds in the subject an outlet for the *humanitas*, for the interest in the individual which survives as a distinguishing trait of Roman art.

The female counterpart of the Florentine *obesus* may be seen in the 'Seianti Hanunia wife of Tlesna' from Caere, now in the British Museum, and in the *Larthia Seianti*, from Chiusi, in Florence—both datable to about 150 B.C. Were it not for the Etruscan inscriptions these might be the portraits of Roman ladies of rank. Both recline with nonchalant grace, lazily raising themselves upon a cushion to gaze into their mirror with a seriousness which indicates that, according to Etruscan lore, the mirror also reveals the secrets of the future life—a theme taken up by the rosettes of the sarcophagus, symbolic of the flowers of resurrection. The connection with Rome of this later Chiusine portraiture is evident from the likeness of the head of the *obesus* to the portrait, now in the Vatican, found in the Tomb of the Scipios, and from the striking similarity which the head of a middle-aged man with striated hair and well-defined facial planes from a Chiusine sarcophagus offers to certain portraits of Augustus, including the one which was discovered at Chiusi itself[2].

By the side of the Roman strain we may notice a more distinctly Hellenistic one in the graceful figure of *Larth Sentinate Caesa* found in the recently opened tomb of the *Pellegrina* near Chiusi[3]. Scopadic influence is claimed for the head, and rightly; but it is only necessary to look at it closely to perceive that the forms have been transposed to the key of Italic naturalism; the softer Italic note, so marked in Campanian art (p. 823), is more apparent here than the austerer Etruscan or Roman.

The ash-chests peculiar to Volterra, a quaint compromise between urn and sarcophagus, upon which the effigies of the dead, made too big for the lid, were squeezed as on to a bed of Procrustes, afford further interesting examples of the portraiture of the second and first centuries B.C. Owing to the number of these chests—600 exist in the museum of Volterra alone—we are apt to pass by even the finer pieces in weary indifference. The best-known group is the one of a man and his wife[1] in which Italic naturalism almost becomes Roman realism. The man's wrinkled and rugged face, his stupefied look, his pendulous cheeks and tired, sunken body contrast with the alert movements and expression of his shrewish wife, who turns towards her spouse with relentless intensity. This head, unique at this early date, scarcely has its match among the many Roman portraits of ageing female autocrats; its sentiment is baroque rather than classic; in her determination not to abdicate an inch of her power the old Volterran shrew anticipates certain Italian portraits of the seventeenth century; nowhere has the contrast between decaying physical form and persistent vitality been more forcibly expressed. It must be borne in mind that the greater number of these sarcophagi being in terracotta or in the local tufaceous stone—both of them unsympathetic materials—have lost much of their beauty with their colour.

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[1] Volume of Plates iv, 40, *a*.

[2] *Ib*. 44, *a*, *b*.

[3] *Ib*. 40, *b*.

III. TRANSITION FROM ITALIC TO ROMAN PORTRAITURE IN THE LAST CENTURIES OF THE REPUBLIC

Etrusco-Italic portraiture is not limited to urns and sarcophagi: many interesting and attractive pieces may be looked upon as genuine portraits of the living. Conspicuous among these is the bronze head of a young boy, long known as a treasure of the Museo Archeologico in Florence[2] in which, as has been pointed out[3], the transition from boy to adolescent is expressed with the same understanding as in the boys of Donatello or Luca della Robbia. The long meshes of hair are rendered by groovings, as usual in Italic art; 'the simple naturalism of the forms and the candid expression suit the childish face, which nevertheless exhibits, beneath its external softness, a strong almost masculine structure of the brow, cheek-bones and jaw.' With this masterpiece may be connected a bronze head of great beauty in the British Museum, of a young man wearing the Etruscan *tutulus* or cap[1].

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[1] Volume of Plates iv, 40, *c*. [2] *Ib*. 42, *a*.

[3] By G. Kaschnitz-Weinberg, *Studien zur Etruskischen und Frührömischen Porträtkunst*, Röm. Mitt. XLI, 1926, p. 137.

Many portrait heads occur among votive terracottas such as the head of a girl in the Museo Gregoriano[2], which has all the simplicity and grace which we shall find again in the women of Campanian wall-paintings. Other examples are the head of a young man in Munich[3]; a similar head in the British Museum, which in spite of its beauty and finish has so far escaped attention[4]; and the well-known Boston head of an elderly man[5], possibly the finest of the group. So intensely lifelike are the majority of these that we must imagine them to have been rapidly worked in clay from the living model.

Closely connected with the Italic group are two heads, one in hard limestone from Praeneste, now in Berlin[6], of an elderly man with a high, pear-shaped skull and long wavy wisps of thin hair; the other a bronze head from Fiesole in the Louvre[7], which resembles the Praenestine example in the treatment of hair and features, though the outline is fuller and firmer to suit the more youthful subject. These are examples of naturalism untouched as yet by Greek idealism or by the Roman insistence upon detail.

On the other hand there is a strong tendency towards Roman 'realism,' mixed with an Etruscan element which recalls the Florence boy, in the celebrated bronze of the Museo dei Conservatori once supposed to be a portrait of the elder Brutus[8] and a work of the late Republic or the early Empire. But the rigid three-dimensional construction, the long, lanky hair, pointed at the tips, the intensity of the gaze, the sharply set-off planes of the face and the tightly-closed lips, point to an earlier date. The type of statue to which the head belonged is unknown, though an equestrian figure has been surmised; the identity of the personage is equally uncertain, but it might, as formerly supposed, be an imaginary portrait of the elder Brutus, put up at a time when the historic spirit was stirring and the Romans were beginning to honour the memory of their great men. It might in fact be the translation into bronze of an ancestral *imago* set up by the descendants; there can be no question here of absolute transcription of a wax mask (p. 814), but the almost supernatural intensity of the expression may emulate that of those life-like *imagines maiorum* so vividly described by Polybius (VI, 53). A bronze head in Paris[1] found at Bovianum Vetus in Samnium, comes close to the Brutus in style; it has the same intense gaze, tightly-closed lips and finely-modelled nose, though the harsher lines of the Paris head and the fact that it was found in the capital of Samnium incline one to see in it an example of the Samnite variety of Italic art (see p. 822). The hair on the other hand is more animated than in the Brutus, and seems to be imitated from some Polyclitan model, while the *pointillé* on cheeks and lips would seem to represent with almost unpleasant realism the nearest approach to clean shaving allowed by the ancient razor.

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[1] Volume of Plates iv, 48, *a*.

[2] *Ib*. 42, *b*. [3] *Ib*. 42, *c*. [4] *Ib*. 42, *d*.

[5] A. Hekler, *Greek and Roman Portraits*, Pls. 144, 145.

[6] Arndt-Bruckmann, *Porträts*, 73, 74; A. W. Lawrence, *Later Greek Sculpture*, Pl. 103.

[7] Volume of Plates iv, 48, *c*. [8] *Ib*. 46.

The famous portrait statue in Florence[2] inscribed *Aules Metilis* (Latin *Aulus Metilius*) and known from its gesture as the 'Orator' or *Arringatore* is almost entirely Roman in character. It may be dated towards the end of the second or the beginning of the first century B.C., the short toga being that of the Sullan period or of the one immediately preceding it. The folds are stiff and linear with few transitions; the concentrated expression (compare the Brutus) and the quivering lips betray a growing attention to detail due possibly to the influence of an *imago*.

The *Aules Metilis* is inscribed in Etruscan characters, but its Roman quality is further proved by its analogy to certain sepulchral effigies of the period of the Social Wars when Roman characteristics began to predominate. The *Aurelius Hermia* in the well-known *stele* of himself and his wife, in the British Museum[3], resembles the *Aules Metilis* in the furrowed face—crumpled rather than wrinkled—the shape of the skull, the movement and the cut of the toga. Only a little later—datable possibly to about 60 B.C.—comes the fine *stele* of a man and his wife from the Via Statilia, in the Museo Mussolini[4], in which the man's effigy has much in common both with the Florence bronze and with the *Hermia*, while the small eyes that peer keenly from beneath the bushy brows and the thin lips are in the Italico-Roman tradition of the Brutus. Both *stelae* offer a further interest in the curiously mixed character of the composition. Hermia—a Roman figure of Italic descent—is turned in profile towards his wife as on an Attic *stele*: on the other hand the figures of the Via Statilia relief are fully frontal, but the man's sturdy Roman bearing is in amusing contrast to the Hellenic graces of his wife, who stands in the pose of the Greek *Pudicitia*—itself originally a grave statue. Here again we find conflicting elements, for she shows an amount of facial expressiveness rare in the female portraits of the time. The figures of a third *stele*, that of the baker *Vergilius Eurysaces* and his wife *Atistia*[1] from their tomb near the Porta Maggiore (p. 822 and p. 830), show a return to an Italic rigidity of form and outline not uncommon in the portraiture of the second half of the first century B.C.

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[1] Volume of Plates iv, 48, *b*.

[2] *Ib.* iv, 48, *d*.

[3] *Ib.* 52, *a*.

[4] *Ib.* 52, *b*; 54 *a*, *b*.

Roman realism found another outlet in the portraiture—mainly of old men—modelled apparently with the help of a death-mask. The custom of the wax mask placed on the face of the dead to conceal the unavoidable decay during the long ceremonial lying in state, was doubtless of great antiquity, but so far no exact copies of these masks in stone or bronze are known earlier than the period of Sulla—or, according to others, of Caesar. A curious piece in Turin[2] is apparently the accurate transcription of a death-mask in which the eyes have been worked up into a semblance of life. Three similar portraits in Aquileia[3], Dresden[4] and Leipzig[5] are almost as startling as the Turin example in a crude realism which does not shrink even from the physical blemishes of age or death. These a Greek would have rejected as conflicting with an ideal conception, and the earlier Italics and Etruscans might have partially ignored them as unnecessary to a naturalistic portraiture based on impression rather than on searching observation of characteristic detail.

A death-mask gravestone now at Ny Carlsberg inscribed with the name of C. Septumius, a magistrate (*IV vir iure dicundo*) of Vulci where the relief was found[6], shows that the new realism was not slow to spread from Rome to the provinces: the bust of the dead man is placed in just such a shrine as held the wax portraits in the *atria* of Roman houses; the frontality is absolute; the immobility of the features has become rigidity; the sunken cheeks, the denuded vocal chords, are shown with unflinching accuracy. From the thick folds of the *balteus* upon which the right hand rests, it is evident that the toga of Septumius is of the ampler proportions that came into fashion at the very end of the Republic. Many an interesting Roman portrait comes from gravestones of this type, and though not by any means always moulded from the death-mask, imitates its severity and the arrangement within the shrine or *armarium*. Sometimes they are isolated, at others several members of one family

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[1] Volume of Plates iv, 52, *c*.
[2] *Ib.* 50, *b*.
[3] *Ib.* 50, *c*.
[4] A. Hekler, *op. cit.* Pl. 138.
[5] *Ib.* Pl. 143 (Bust of Vilonius).
[6] Volume of Plates iv, 50, *a*.

—men, women and children—appear stiffly aligned within the same frame. From the coiffure of the women on the earliest of these stones, which is that on the coins of Octavia sister of Augustus[1], they cannot be dated very much before the Principate.

Sepulchral portraiture, however, is far from affording the measure of what was achieved in the honorary and other portraits of the time of the Republic. In these, strong Hellenistic influence is undeniable—especially in the Sullan period—though it rarely affected the Roman conception of the individual. We have a fine example of this Romano-Hellenistic manner in the portrait from Tivoli in the Terme of a general of about 100 B.C.[2] Owing to the combination of an elderly face with a semi-naked body and Zeus-like drapery, the statue as a whole affects one at first sight as unpleasantly as do all the Roman combinations of a Greek ideal figure with a realistic portrait head; but the head taken alone is a masterpiece and, as such, has been claimed as Hellenistic. Hellenistic assuredly are the fine technique, the graded transitions, the absence of all angularity and the parted lips; yet at the back of these Hellenistic traits and dominating them is the purely Roman structure of the head with the accent strongly laid on the full-face view to the neglect of the profile. Like the Tivoli statue, the fine Pompey at Ny Carlsberg[3] has also been claimed as Hellenistic, and not unjustly so if we look only to the faultless technique and the fluid modulations of the surface; at the same time nothing could be more Roman than the general design, the insistence on the full-face frontal view already noted in the Tivoli statue, and the almost cruel insistence on detail: the small and anxious eyes which reveal a strain of vanity and weakness, the loose untidy hair, the nerveless flesh, the snub nose all cartilage and fat without real bony structure. In the Pompey as in the old Volterran couple noted above (p. 811) for its Roman quality, every defect asserts its right to be represented, in direct negation of the principles of Greek idealism. The contrast is evident if we compare the Tivoli and Ny Carlsberg heads with the head at Munich of about the time of Sulla[4], in which a Roman is portrayed in the Greek idealizing manner, or to the magnificent *Mithridates VI Eupator* in the Louvre[5], whose exalted expression is imitated from that of Alexander. As to the authorship of the Pompey it is difficult to pronounce an opinion. It is clearly neither purely Hellenistic nor entirely Roman; perhaps an old attribution to Pasiteles[1], an Italianized Campanian Greek who was a distinguished sculptor working mainly in Rome and of whom it is expressly said that he lived *circa Magni Pompei aetatem*, shows in what quarter we may discover the school to which the Pompey should be attributed.

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[1] Volume of Plates iv, 56, *k*.

[2] R. Paribeni, *Terme di Diocleziano*, No. 104. For the head alone see L. Curtius, *Die Antike*, VII, 1931, p. 240.

[3] Volume of Plates iii, 162, *c*, *d*.

[4] Hekler, *op. cit.* Pl. 135.

[5] Volume of Plates iv, 44, *c*, *d*.

The portrait of Cicero, known from somewhat commonplace copies at Apsley House, the Vatican and elsewhere[2], must likewise have been a powerful study of the individual, in style not unlike the Pompey. Of Caesar we have no contemporary portrait save on his coins, though the colossal Farnese head in Naples[3], which is perhaps Augustan, has an Italic severity of form which doubtless reproduces the character of the original and shows the reaction that took place at the time of Caesar from the softer modulations introduced by Hellenistic art. The same change affects the portraiture of women—as in the attractive head in the British Museum often called Cleopatra, though the absence of any diadem makes the identification doubtful; but it may well be a lady of her court, whose Semitic features were reproduced by a severe but not ungracious chisel during the queen's residence in Rome[4]. That the portraiture of women continued to develop individuality—in anticipation of the magnificent female portraiture of the Empire—is evident from the numerous portraits having the front hair raised in a little bun as in those of *Octavia*[5]. From the second century onward Rome was crowded with portraits, honorary statues and groups, as well as with genuine copies of Greek statues, but most of these are known only from the authors and cannot be discussed here. Further admirable examples of portraiture occur on Republican coinage[6]. The coins of Caelius Caldus and of Restio, for example, if translated into the round, might surpass any contemporary marble and bronze heads for sobriety of line and realistic intensity.

So arresting is the Roman portrait-head that one is apt to lose sight of the portrait-statue; yet, unless composed as busts, the majority of the heads we have been studying must have belonged to togate figures which are more or less uniform in type. Whereas the Greek diffuses expression throughout the body, the Roman concentrates it in the head. Hence the comparative indifference of the one to facial expression and of the other to the movements of the figure. The Roman *togatus* is often invested with a stern and impressive majesty, but the primary function of the heavily draped body is to afford life-like support and carriage for the head and with that the Roman artist is satisfied. The so-called Cicero at Naples[1] is a togate figure of Republican date in which a rigid effect is produced by sharply cut and deeply furrowed folds with the absence of plasticity common to Italic figures. This essentially Roman theme underwent further modification at the hands of Greek artists. The heavily draped *togatus* in the British Museum[2], from which the later Flavian head should be removed, and the well-known statue in the Vatican of a Roman sacrificing[3], both probably of Greek execution, show how a Greek chisel could impart a new animation and variety to the folds by introducing a suggestion of bodily form beneath the voluminous draperies. The possibilities of the togate effigy were explored throughout the last century of the Republic, though it was not until the time of Augustus that it found its full expression in the rhythmical *gravitas* of the Imperial processions of the *Ara Pacis*.

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[1] W. Klein, *Vom Antiken Rokoko*, p. 173.

[2] Hekler, *op. cit.* Pl. 159.

[3] *Ib.* Pl. 157.

[4] Volume of Plates iv, 54, *c*.

[5] *Ib.* 54, *d*.

[6] *Ib.* 56.

IV. ETRUSCO-ITALIC INFLUENCE IN ROMAN RELIEF AND PAINTING

The principles of Roman composition, whether in relief or in painting—and in the earlier periods the two can scarcely be dissociated—derive from Etrusco-Italic models, tempered by influences from Southern Italy and Greece. Roman relief owes as much to the carvings on Etruscan ash-chests and sarcophagi as does Roman portraiture to the figures of their lids. This is especially clear after the third century B.C. The subjects are largely drawn from Greek mythology, and as often as not the scheme is Greek, but the interrelation of the figures and the tendency to transform the background into space by bringing it into the composition are alien to the Greek conception of the background as a rigid screen against which the action is displayed two-dimensionally. The Italic method may be studied on numberless Etruscan ash-urns. One of the finest, in Florence, has been analysed for the clue it affords to the subsequent development of Roman relief[4]; it represents, in finely ordered turmoil, the Italic legend of the raid in the grove of the

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[1] Volume of Plates iv, 58, *a*.

[2] *Ib.* 58, *b*.

[3] *Ib.* 58, *c*.

[4] By J. Sieveking, *Festschrift für P. Arndt*, p. 20, fig. 1.

Seer Cacus, who, drawn in three-quarters view, sits serene in the midst of the combatants[1]. Here figures are boldly foreshortened and made to cut diagonally into the background or to issue from its depths. This system of design, though modified for a time in Republican Rome in favour of the more orderly sequences of Greek relief, inspired the crowded compositions of the Empire and appear outside Italy in the first century B.C. on the Arch of Orange and on the tomb of the Julii at St Rémy[2]. At St Rémy especially, there is a forward movement from back to front which it would be difficult to parallel in Greek art, though secondary details may be of Hellenic importation. These Gallo-Roman and Etruscan reliefs are in strong contrast to those of the 'sarcophagus of Alexander,' or to the larger frieze of Pergamum. In the Greek examples, also, the subjects demand a crowded grouping; but in the tumultuous hunting and battle scenes of later Hellenic art the overlapping is less dense than in contemporary Italic reliefs, and the unity of the background remains intact.

Among the subjects which the Etruscans borrowed from the Greeks none proved more attractive than the expiatory slaying of the Trojan prisoners at the Tomb of Patroclus, owing doubtless to its mystical possibilities as a symbol of retribution. Three especially fine versions occur, one on a still brilliantly coloured sarcophagus at Orvieto (where the scene has its sequel in the 'Sacrifice of Polyxena' of the reverse)[3]; another on a *cista* from Praeneste in the British Museum[4], which is perhaps more Latin in spirit than Etruscan (p. 821); a third among the paintings of the François tomb at Vulci[5]. They all doubtless derive from one or more Greek originals; but the crowding up of the figures and the bold foreshortening of the seated or crouching prisoners, bear witness to the Italic striving towards the conquest of the third dimension.

It is true that the frieze-like arrangement of figures and groups in the Vulci painting has the wider spacing of its Greek prototype—but the corporeity of the figures and above all the resigned expression of the prisoners in this and other Italic versions of the myth introduce a note foreign to the Greek models. Whether on the Orvietan sarcophagus, or on the Praenestine *cista* at Vulci, they stand with the same patient resignation as the 'Christ at the Column' or the 'St Sebastian' in pictures of the Renascence.

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[1] Volume of Plates iv, 60, *a*.

[2] *Ib.* 60, *b*.

[3] A. Della Seta, *Italia antica*, 2nd ed. 1928, p. 267, fig. 289 (after *Mon. Ant. Lincei*, 1916, tav. I–IV).

[4] Volume of Plates iv, 60, *c*.

[5] *Ib.* 62, *a*; 64, *a*.

This compassion, this sense of pity, spring from that interest in the individual already noted in Etrusco-Italic portraiture. We find it again in the rendering of the death-goddess Vanth, as with sorrowful expression and gesture she watches over the Trojan captives in the Vulci paintings, or as she sits in stately resignation beside the dead on his funeral couch on a sarcophagus at Florence[1], or guards a sepulchral chamber on an urn in the British Museum[2]. Some of the most impressive conceptions of the spirits of Death and Resurrection come to us from Etruria: to wit, the Michelangelesque figures that guard the entrance to the other world on a sarcophagus in the tomb of the Volumni near Perugia[3] or the Vanths that float with protecting wings above the group of a mother and child as they part from husband and father, on an ash-urn at Berlin[4]. For tenderness and religious feeling this last composition can bear comparison with the Holy Families of the Quattrocento. This same *humanitas* gives new meaning to many a subject borrowed from the Greek: such as the delightful group at the Louvre—presumably the entry of Heracles into Olympus[5], in which Athena ministers to the weary seated hero, as might an old Italian *contadina* to a worn-out fellow-worker. This is no longer the condescending pity of the Greek gods; it is the compassion of one human being for another[6]: the interest centres in the weariness of the hero, rather than in his triumphant reception among the Olympians. There could be no better instance of the transformation or rather the transmutation of a theme from an ideal to a popular key. This spirit never died out of Italian art. Under the Empire, human themes—women with their babies, fathers carrying their children shoulder-high, soldiers tending wounded comrades, and other minor episodes of camp-life—provide the necessary relief to official scenes of battle and ceremonial on columns and on arches.

Almost every subject afterwards found in Roman reliefs—triumphal or other—can be discovered in the Italic art of Etruria, or in that of Latium and Campania. A first attempt at historical painting, for instance, occurs in the François tomb at Vulci where it faced the 'Sacrifice of the Trojan prisoners' and represented episodes doubtless taken from some ancient chronicles glorifying the ancestors of the occupants of the tomb. The series begins on the left, on the return wall, with the group of *Caile Vipinas* cutting the chains of *Macstrna* (all the names are inscribed) who had been taken prisoner[1]; the three groups of the long wall show Etruscan warriors massacring their enemies; on the right, round the corner, depicted on a larger scale, and in a different style from the rest of the series, comes an Etruscan chief who grasps *Tarchu Rumach* (*i.e. Tarquinius Romanus*) by the hair, preparatory to slaying him. These wall-paintings mark the beginning of that narrative or epic style which the Romans were later to bring to perfection, though here the episodes are simply strung together, as they might be on a Greek vase, without the continuity of Roman narrative representation.

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[1] L. Milani, *Museo archeologico di Firenze*, II, Pl. 86.

[2] B.M. Cat. of Sculpture, vol. I, pt. ii, No. 19, fig. 35.

[3] Volume of Plates iv, 66, *a*. [4] *Ib.* 66, *b*. [5] *Ib.* 66, *c*.

[6] The vase picture of Achilles binding the wounds of Patroclus shows that Greek art could give unrivalled expression to such themes, but it remained indifferent to many of its possibilities.

The beginnings of the 'continuous style,' involving the recurrence at intervals of the same person or persons, may, it is now thought, be traced back to the Italic art of the pre-Roman period. Dr Van Essen, for instance, detects it in a number of Etruscan urns and sarcophagi, of which a Volterran urn with its twice repeated figure of Orestes—once carrying away the *xoanon* of Artemis, and the second time approaching the temple with the *xoanon* in his arms—is a striking instance[2]. Similar tendencies towards continuous representation occur on an Esquiline fresco in Rome (p. 825), and, as Dr Van Essen again points out, on Apulian vases, on the little frieze set up at Delphi for the victories of Aemilius Paullus, which is strongly under Roman influence[3], and in the Odyssey landscapes from a house of Republican date on the Esquiline (p. 827).

A definitely historical theme appears on a Praenestine *cista* at Berlin[4] representing the triumph of a general who is the very prototype of the victorious Emperor of countless Roman reliefs. The triumph represented is assumed to be Latin, but from Latin to Roman was but a step. It must be remembered that Novios Plautios, the artist of the famous Ficoroni *cista*, expressly states that he made it at Rome (*Novios Plautios med Romai fecid*), and he and other of his colleagues may have had workshops in Rome and drawn inspiration from Roman subjects. Comic or humorous episodes, Latin perhaps rather than Etruscan, are common in Praenestine *cistae* and mirrors. The Silenus of the Ficoroni *cista* drumming on his paunch, in droll imitation of the movements of one of the Dioscuri who is exercising himself at punch-ball near by[1], is an example of the same homely fun that often enlivens Latin terracottas. Whatever the exact meaning of the Greek original from which the familiar groups of Satyr and Maenad are imitated, there is no doubt that the drollness of the Satyr and the coy reticence of the Maenad in the versions from Satricum are purely Italic in spirit[2].

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[1] Volume of Plates iv, 62, *b*; 64, *b*.

[2] Dr Van Essen has courteously permitted the present writer to quote from the MS. notes of his still unpublished lecture, in which he divides the examples of the Italic continuous style according to the three classes, Italic, Etruscan and Roman. The Volterra urn is given by Robert, *Archäolog. Hermeneutik*, Fig. 219.

[3] S. Reinach, *Répert. reliefs grecs et romains*, I, p. 118

[4] Volume of Plates iv, 68, *a*.

To the same category belong the domestic scenes which make a first appearance in Etruscan tomb-paintings after the fourth century B.C. and pass later into Roman art; one of the paintings of the Tomba Golini at Orvieto, of which there are good copies in Florence, introduces us to the kitchen, the larder and the pantry, where the 'heavenly banquet' is being prepared by the very human agencies of the cook, the butler, and their assistants[3], the purpose of the painting evidently being to secure to the dead the same excellent food and good service which they enjoyed in life. The whole is treated with indescribable freshness and humour; see the energy with which a young slave scrubs the kitchen table, or possibly kneads flour for the pastry, to the rhythmic accompaniment of the flutes. Behind the flute-player a woman is busy at a side-board well laden with dishes ready for the table. At other side-boards servants are displaying a well polished dinner service, handsome drinking vessels, elegant candelabra in which candles are already burning, all having probably been brought out for the occasion from the family plate chest. A man is seen chopping wood, and there is much activity in the kitchen, where one stokes the range and others stir the meat and the soup in the saucepans. These cooking operations, the hurrying servants, the well-stocked larder in which hang poultry, venison and beef, are already in a purely Plautine mood and bring to mind the speech of the parasite Ergasilus in the *Captivi* as he bustles about making the preparations entrusted to him for the coming banquet:

> So he's gone off and left all the catering to me. My God, now for some executions! Off with his head! Bacon's doom is sealed, and ham's last hour has come. Trouble for tripe and peril for pork. No time now to mention every item that goes to replenish the belly. I must be off to the courts to sentence bacon and help through hams that are still hanging in the balance.
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> Plautus, *Captivi*, 901–8.

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[1] Volume of Plates iv, 68, *b*. [2] *Ib.* 68, *c*. [3] *Ib.* 70.

In Rome similar subjects occur on the tomb of the baker and contractor Vergilius Eurysaces outside the Porta Maggiore of about 50 B.C. Vergilius wished to commemorate himself, his bakery and his men at their work, in the little frieze that crowns the monument. The front to which belonged the portrait stele already mentioned (p. 814) was destroyed when the tomb was incorporated within the new gate-bastion of the Aurelian wall, but on the friezes of the remaining sides we see the sifting, cleansing, and grinding of the wheat, the kneading, rolling and baking of the bread, and finally the delivery and weighing of the loaves in the presence of the magistrates who employed Vergilius as contractor[1].

V. OSCO-CAMPANIAN INFLUENCES IN ROMAN ART

During the second half of the fourth century B.C. the slow advance of Rome's policy brought her into close connection with Campania (vol. VII, pp. 584 *sqq.*). Here the Sabellian peoples of the high Apennines had descended a century before on a civilization that was in part Greek, in part Etruscan, and had rapidly developed an art which may claim to be national in character. The spread and depth of this Osco-Samnite culture it is hard to assess, for apart from the excavations of Pompeii and the more recent ones of Herculaneum and Cumae, there are as yet few archaeological data available, especially for the mountain hinterland. In this region we may hope to find evidence for the art of the Samnites who at the beginning of the third century B.C. disputed at Sentinum the mastery of Italy. Among the few objects which we have is a significant bronze statuette, in the Louvre, of a warrior in armour with holes in his helmet for the high Samnite plumes and crest[2], a bronze breastplate, adorned with three bosses, a bronze belt, leather apron and greaves. This is the evident ancestor of those Samnite or Oscan knights of the fourth century painted in Capuan tomb-chambers. The attachments of the arms are crudely naïve, but the figure stands firmly on its large flat feet, and the boorish expression of the warrior-peasant, called upon to relinquish the plough for the sword, is admirably rendered. The bronze head from Bovianum Vetus has been mentioned as an Italic work of the third century whose harsh structure may be due to a Samnite origin though expression, hair, and rendering of flesh betray Hellenistic influence.

We possibly have another example of the same art in the spirited equestrian statuette in the British Museum found at

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[1] Volume of Plates iv, 72.

[2] *Ib.* 74, *a.*

Grumentum in South Lucania[1]. This may be the distant imitation of an archaic Greek model—but the steed's bovine hindquarters suggest the art of a people more familiar with cattle than with horses. On the other hand, the rider sits with easy balance, his body is well modelled and his hair, which flows down his back in V-shape, is treated with the same draughtsman-like precision as the fore- and sidelocks of the horse's mane. The high crest of the helmet is missing, but the whole accoutrement again recalls the Osco-Campanian knights.

A good notion of later Samnite art as it flourished in Campania can be gathered from a small group of sepulchral paintings ranging from the fifth to the third centuries. Though shockingly mutilated, they afford evidence only second in value to the Etruscan for the history of painting in pre-Roman Italy[2]. One of the earliest of these paintings, representing a dead woman enthroned as Persephone, has long been known for its stately beauty and its vigorous draughtsmanship[3]. No less attractive is a somewhat later picture at Naples, from Cumae, almost Chinese in its delicacy, where the 'Lady of the Pomegranates' is seen approached by a young girl bearing a basketful of the same golden fruit[4]. Here the artist has been eminently successful in his effort to render, both in face and dress, the softness and seriousness of a typical Campanian woman[5]. That the Pompeian painters themselves owed not a little to their Osco-Samnite predecessors, is evident from the Campanian types which the painter of the now famous frieze[6] in one hall of the Villa of the Mysteries at Pompeii has substituted for the Greek originals[7].

Many South Italian terracottas have the same popular character; a girlish Athena from Pompeii, which the compiler of the Naples catalogue[8] compares to a *contadinella*, has no more in common with the idealized Greek Athenas—even when these are shown as very youthful—than have certain peasant girl Madonnas of the Renascence with the stately Theotokos of Byzantine art. A still homelier vein is apparent in a numerous class of gems long ago separated by Furtwängler as Italic from the purely Etruscan. In several instances, as he pointed out, these gems apparently reproduce votive pictures set up as thank-offerings in popular temples or pilgrim shrines. One of the most interesting[9], datable to the third century B.C., is thought to copy a picture dedicated by some grateful devotee who had successfully passed through the traditional test of virginity imposed upon girls in the ancient temple of Juno at Lanuvium. The fulness of the forms is Campanian, the heaping up of details Italic.

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[1] Volume of Plates iv, 74, *b*. [2] A. Maiuri in *Historia*, 1930, p. 66 *sq*.
[3] Volume of Plates iv, 76, *a*. [4] *Ib*. 76, *b*. [5] Maiuri, *op. cit*. p. 67.
[6] Volume of Plates iv, 76, *c*, *d*. [7] A. Maiuri, *Villa dei Misteri*, p. 171.
[8] A. Levi, *Terrecotte figurate del Museo di Napoli*, No. 818, fig. 141.
[9] Volume of Plates iv, 56, *e*.

The splendid Samnite horseman at Capua—originally, no doubt, part of a procession of young knights—who proudly sits his spirited stallion, is a fine example of Oscan painting of the fourth or early third century[1]. His gold helmet has a red crest, black horse-hair tail, and two white upstanding aigrettes, one at each side—an adornment also given to the horse above its golden frontlet—and all details of armour and harness are picked out in vivid colour. The same accoutrement appears in a painting of somewhat later date from Paestum, now at Naples, representing the 'Homecoming of the Warriors[2],' but of similar style. Another picture less well known is that of a groom at the head of his horse[3]. The motive of a knight plunging forward, often found on Roman gems, possibly originated in Campanian art[4]. It is familiar on Roman lamps and was adopted about the time of Sulla for the Mettius Curtius leaping into the chasm, on the slab of the Museo Mussolini[5], that once adorned a balustrade round the *lacus Curtius* in the Forum. The drawing is faulty in the extreme, but the movement of horse and horseman is full of vigour; the marshy region of the *lacus* is picturesquely indicated by tall waving reeds; like the Italic gem, the slab strikes a romantic note.

A fragment in the Museum of Capua[6] showing two gladiators attacking one another with fury, in spite of their grievous wounds, is important for the genesis of similar themes among the Romans. We can trace the influence of these pictures in the Roman Gladiator relief now at Munich (p. 830), and it reappeared in a debased form in the poster art announcing gladiatorial shows, which aroused the enthusiasm of Horace's servant (*Sat.* II, 7, 96).

A scientific exploration of Central and Southern Italy would probably reveal the fact that every region had its local school of painting. At Ruvo in Apulia, for instance, where a magnificent example of vase-painting in the Greek style was discovered in the Talos Vase, we also find tomb-paintings in the Osco-Samnite style, such as the delightful group of dancing women now in the Museum of Naples[7].

[1] Volume of Plates iv, 78, *a*. [2] *Ib.* 78, *c*. [3] *Ib.* 78, *b*.
[4] Cf. P. Couissin in *Rev. Arch.* 1930, p. 265, p. 269, p. 278.
[5] Volume of Plates iv, 80, *a*. [6] *Ib.* 80, *b*.
[7] *Ib.* 80, *c*.

By the first half of the third century Campania, with all its artistic treasures, had finally come under the dominion of the Romans, who found here a fresh, vital source of inspiration, not inferior to that of Etruria or Latium. The strong Osco-Samnite strain which permeates her art in the later Republican period shows that Rome had not been slow to avail herself of the advantages accruing to her from her new position as capital of Italy. The foundations of a national Roman art were now definitely laid.

VI. ROMAN PAINTING AND RELIEF TO THE CLOSE OF THE REPUBLIC

One of its first manifestations was in those 'triumphal' panel pictures, which were amongst the earliest recorded paintings in Rome. They were put up in public places by victorious generals in commemoration of successful campaigns, and afterwards dedicated in the temples as *ex-votos*. The pictures of their campaigns exhibited in 263 B.C. by M'. Valerius Maximus Messalla outside the Senate House, and by L. Hostilius Mancinus in the Forum after the fall of Carthage, are classic examples. The panels were of much the same character as the pictures and groups carried in triumphal procession, and like these they were a commentary on reality rather than an artistic endeavour[1]. We fortunately possess a copy of a picture of this type in the fresco in the Museo Mussolini, which comes from a chamber tomb on the Esquiline[2] datable to the end of the third century B.C. The varied incidents of a campaign are arranged in superposed bands; the fore-shortenings, the lively movements, the varied gestures, the animated battle scene, exhibit a blend of Etruscan and Samnite influence, which recalls both the François tomb warriors and the knights of Capua. The parley between the commanders, twice repeated, marks the first appearance of the 'continuous' style on a Roman monument, and the group of soldiers disposed in serried tiers on the second frieze, in the manner familiar from later Roman reliefs, possibly derives from Etruria[3]. On an ash-chest in the British Museum, for instance, the mounted knights who take part in a funeral procession are similarly arranged. Picturesque details were doubtless introduced; but of these there only remains the fortress along whose battlements two sentinels are pacing.

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[1] P. Marconi, *La Pittura dei Romani*, p. 11.

[2] Volume of Plates iv, 82, *a*.

[3] B.M. Cat. Sculp. I, II, No. D. 69, fig. 89.

From the time of the Samnite wars whole legions of painters settled in Rome, and Livy and other literary sources bear witness to the numbers of pictures in the temples and buildings of the city, but of all this few visible records remain. We are fortunate, however, in the recovery of the wall-paintings of the podium-façade of the Tomb of the Scipios (p. 834), which have only quite recently been brought to light. The subjects, nearly obliterated by time and damp, are no longer clear, though from the best preserved parts[1] it is evident that soldiers and parleys were represented, as in the Esquiline fragment. The costumes—a tunic of pinkish-red and white stripes, a yellow sash and high black boots—are mystifying and we can point to no parallel. What colour remains is still singularly vivid and shows that the façades of tombs, and presumably also of houses, were as brilliantly adorned with paintings in Republican Rome as in Pompeii.

From a columbarium tomb on the Esquiline, which may be set in the second half of the first century, we have a long frieze representing episodes from the legendary history of Rome (battle between Latins and Rutuli, building of Lavinium and of Alba Longa, story of Rhea Silvia and Exposure of the Twins), which ran above the niches for the urns[2]. The figures, with their somewhat elongated limbs resemble those on the Tomb of the Baker (p. 830). The method of composition is that of the older Esquiline fresco; but picturesque detail has now expanded into landscape: foreground and distant scenery having become an integral part of the composition so that the figures would lose their significance if dissociated from their setting. Landscape painting, however, only found its true scope in the prospect and vista pictures of the architectural style of wall-decoration.

Wall-painting has long been reckoned among the great achievements of Roman art. In its earliest phase, an example of which occurs in Italy as early as in the François Tomb at Vulci[3], the marble revetments fashionable in the Hellenistic East were simply imitated in paint. Therefore, in a sense, the origin of this style of decoration may be claimed for Greece; but it was left to Roman artists to exploit the discovery throughout a succession of phases that lead up from the early, severe imitation of marble panellings to the architectural triumphs of the second style. In this phase, which alone concerns us here, the wall-surface was broken up by painted architectural frame-work intended to produce the illusion of extra space: a dark line painted along the bottom of the wall was made to appear as a continuation of the floor; above this line was painted a podium supporting a wall, above which again ran a frieze; pedestals, sustaining columns that carried an architrave, projected boldly from the podium. The aim was to enlarge the room by letting the actual wall appear indefinitely recessed by means of the architectural members painted in front of it. This earlier phase of the second style appears in Rome in a room of approximately Sullan date under the *lararium* of the Flavian palace on the Palatine[1]. The hall in the Villa of the Mysteries at Pompeii is another more famous example, also of Sullan date or very little later. The principle here is identical with that of the Palatine room, *i.e.* the enlargement of the actual space is from within—but a new, purely human motive is introduced in the long scene of the Mysteries, which, taken from some Greek model and originally doubtless historical and descriptive in intention, is here introduced in such a manner as to appear to be a living ceremony within the hall.

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[1] Volume of Plates iv, 82, *b*.

[2] *Ib.* 82, *c*.

[3] See A. V. Gerkan in F. Messerschmidt, *Nekropole von Vulci*, p. 80 *sq.* and fig. 69; cf. p. 113.

In the later architectural style, openings were imitated, first in the frieze, then in the panels, to disclose whole landscapes, enlivened as a rule by figures, and conceived not as isolated pictures but as representing the open country outside and beyond the wall. In one room from the house of Republican date discovered in 1848 on the Esquiline, the frieze—now in the Vatican—was treated as a clerestory disclosing between the pillars a 'continuous' landscape, within which are depicted the adventures of Odysseus (Laestrygones, isle of Circe, mouth of the underworld, punishment of the damned, etc.). To arrange different episodes—whether from the same story or not is immaterial—against a landscape background made to appear continuous is a novel and thoroughly Roman idea, though the actual scenes may very well be borrowed from Hellenistic art (vol. VIII, p. 700[2]).

This more advanced manner may be further illustrated from wall-paintings in the Terme Museum, from the house by the Farnesina. Among the best—and nearly all are of the first order—may be cited the frieze with landscapes and seascapes in the beautiful 'Room of the Caryatids,' or the vista pictures on the wall of the principal bedroom, disclosing a Dionysiac precinct, outside which sits a Maenad nursing the babe Dionysus, while other priestesses look on. The so-called House of Livia on the Palatine, which may be the house of the orator Hortensius that Augustus later occupied, is decorated in the same style. Whatever the history of the house, the mid-first century B.C. character of its paintings can scarcely be doubted[1]. The so-called *triclinium* on the right of the garden court, with its two simulated openings from which we look into sacred woods and glades, is peculiarly characteristic; so, too, is the central room of the three on the principal side of the court, with its vista pictures in which Greek subjects (Galatea and Polyphemus and Hermes and Io) are used, as in the Odyssey frieze, to animate the landscape by defining planes and distances. The simulated three-fold division of the right wall is effected by a portico of Corinthian columns supported on bases projecting from a high podium. The same divisions reappear in the beautiful 'white room' where great swags of fruit and foliage are suspended between the imitation columns to enhance the suggestion of real space between these and the wall. Above runs a delightful landscape frieze composed in the continuous style and carried out in yellow monochrome[2].

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[1] Volume of Plates iv, 84, *a*.

[2] *Ib.* iii, 180.

In spite of the close connection between the two arts, Roman sculpture in relief was slower to develop than painting. Its triumphs were not till the Imperial arches and columns of the second century A.D. The Italic passion for space and depth revealed in the reliefs of Etruscan urns had passed north and found expression in the monuments of Southern Gaul (p. 818), before it asserted itself in the City. Towards the close of the second century B.C., when relief makes its first appearance in the monuments of Rome, strong Hellenistic influences were in the air. This is at once obvious in the friezes from an altar said to belong to the temple of Neptune *in circo Flaminio*. On the principal slab, now in the Louvre, a sacrifice to Mars is represented[3], while the remaining three slabs, now in Munich, are decorated in honour of the temple divinity with the *thiasos* of Poseidon and Amphitrite[4]. It has recently been pointed out that the main scene is of a *lustrum* after a *census*, and should probably be connected with Cn. Domitius Ahenobarbus, who had been censor in 115 B.C., and whose family had been patrons or devotees of the temple[1]. This dating is confirmed by the Hellenistic character of the technique and by the fact that the civilians wear the same short, early toga noted in the *Aules Metilis* and the *Aurelius Hermia*. It also explains the hybrid art of the monument—the curious juxtaposition it offers of a Roman official scene with a Greek mythical subject, and its odd mixture of Italic and late Hellenistic elements. In the *thiasos*, the artist, in imitation of Greek models, allows no detail of the composition either to project beyond the front plane or to cut into the background. Yet this Roman attempt to treat a Greek subject in a Greek manner remains cold and unimpressive, owing to the deadness of the ground and the harsh silhouetting of the figures against it. In the lustral sacrifice in honour of Mars, on the other hand, we have a less monotonous sequence and the background is transformed into space around the figures, which are drawn with an Italic feeling for both mass and depth, though many of the motives are of Hellenistic derivation. Technically the relief is poor; the outline is lacking in sharpness, the forms heavy and dull—characteristics which have recently been shown to pertain to this period of Hellenistic art in Greece as well as in Italy, and to have affected architecture as well as sculpture[2]. It is difficult to decide whether the work as a whole is that of a Roman, endeavouring, not altogether successfully, to work in the Greek manner, or of a Greek who has fallen under Roman influence. The same method of composition and disagreeable technique, the same conflict between Greek and Roman principles, reappear on a frieze from a capital or statue base in the Villa Borghese, showing a scene recently re-interpreted as a Sacrifice to Hercules Victor[3], while as further proof of the mingling of Greek and Roman features about the time of Sulla, we may recall the stele of Aurelius Hermia and his wife, facing one another like figures on a Greek sepulchral relief[4].

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[1] If the house really is that of Hortensius, who died in 50 B.C., this would afford a further proof for the date of its pictures. Recently, however, the whole question of the House of Livia has been reopened by Professor Bartoli's discovery under the small Flavian palace of an earlier palace which he holds may be that of Augustus, with its temple of Vesta and other appurtenances (see *Not. Scav.* 1929, pp. 1 *sqq.*).

[2] Volume of Plates iv, 84, *b*.

[3] *Ib.* 86, *a*, *b*, *c*.

[4] *Ib.* 86, *d*.

Little by little the Italic element tends to suppress the Hellenistic—or else a compromise is effected between the two. A modest little frieze belonging to a circular altar or more probably to a base supporting a trophy, now to be seen in the vestibule of the Cathedral of Civita Castellana, brings us near to the period of Caesar[5] and shows a return to the sharp crisp outlines of Etruscan relief. It represents a bearded general (Aeneas or Romulus) offering libation in presence of a triad of divinities—Venus Genetrix between

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[1] See Goethert, *op. cit.* pp. 7 *sqq.*

[2] *Ib.* p. 31.

[3] Volume of Plates iv, 88.

[4] *Ib.* 52, *a.*

[5] *Ib.* 90, *b*, *c.*

Mars (?) and Vulcan. The spacing of the figures is Hellenistic, but the Italic tradition is evident in the attempts at fore-shortenings and in the manner in which various details are so drawn as to appear to penetrate the background and to bring it into the composition.

A fragment at Munich[1] which though found in the north of Italy is Roman in spirit brings us to the Caesarian period. It represents a gladiatorial scene—possibly part of a frieze: on the left are two trumpeters (note the bold action of the arms, and the trumpets which, held vigorously aloft, cut into the cornice in Italic fashion); on the right two armed gladiators, one of whom, drawn and modelled with the vigour of Mantegna, is seen in three-quarters view from the back, recalling the fore-shortened figures of the Trojan prisoners in the Italic versions of the Sacrifice at the Tomb of Achilles (p. 818). As in the Domitius relief, the effort is made to suggest space behind and beyond. It is needless to multiply examples, we will only quote in conclusion the little friezes that adorn the Tomb of the Baker, likewise probably of Caesarian date (p. 826). The slender limbs of the men and their long strides have already been noticed as connecting these friezes with the contemporary paintings from a tomb on the Esquiline (p. 826). In the friezes, as in the Gladiator slab, relief was gradually reverting to the Italic tradition; it only needed the stimulus of the Imperial *res gestae* to bring out the full force of its native elements.

VII. ARCHITECTURE AND TOWN PLANNING

The origins of Roman architecture, like those of Roman art, must be looked for in the earliest Italic culture, among the peoples of the Neolithic and Chalcolithic settlements and those of the *terremare* (vol. VII, pp. 333 *sqq.*). From the round and other huts of the Neolithic peoples were evolved in time the circular structures so characteristic of Rome; in the Chalcolithic period we find the first settlements arranged on regular plan (*cf.* Remedello near Brescia), which were developed by the people of the *terremare* into the axial and rectangular schemes (with trapezoidal variations) afterwards adopted for cities and camps[2]. To this period also may be traced back the *templum* marked off by augural lines, the high podium, and the saddle roof with high pediments. It would take too long to follow out in detail the process by which these rudiments were gradually elaborated into the architecture of ancient Italy and Rome. For our purpose it is sufficient to concentrate attention upon Rome, where various strata of the old Republican city are being daily laid bare in the course of modern building operations. Phenomena outside the city need only be touched upon here in so far as they throw light upon Roman problems.

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[1] Volume of Plates iv, 90, *a*.

[2] See Plan 1, facing p. 829.

The temples first claim attention. These were of the well-ascertained Italic type, as modified by the Etruscans. They differed from the Hellenic in having a high podium in place of a stepped stylobate, in the greater depth of the vestibule, often equal in size to the broad cella, in the absence of a second vestibule at the back, and in the steep pitch of the saddle roof which, resting on *columen* or tie-beam, and on *mutuli* or side-beams, projected beyond the columns like a balcony and was left open[1]. These differences were fundamental. The podium, though lowered in time, remained a constant feature of Italico-Roman architecture; together with the steep roof, it contributed to heighten the structure in accordance with the Roman principle of verticalism, which is in marked contrast to the Greek predilection for horizontal lines. Moreover, since the podium only admitted of steps in the front, and the back had neither vestibule nor pedimental projection, it followed that both architectural and decorative emphasis was laid on the façade, which thus became a dominant feature and imposed a symmetrical arrangement of buildings in relation to itself. A good example of third-century date is afforded by Gabii, where the temple stands in the centre of a cloistered precinct, axially to this and to the theatre immediately below[2]. A further stage was reached when the temple was pushed against the rear wall of the court as in most of the Imperial *fora*; by this device space was gained and the temple front made still more dominant. In time the temple was yet further recessed so that only the façade remained flush with the rear wall of the court, an arrangement typical of Roman-Syrian temples (Baalbek) and of Christian basilicas, and which attained its perfected form in the seventeenth century in the piazza of St Peter's.

In the earliest stages only the foundations of temples appear to have been of stone, the walls being of sun-dried brick, the columns and the whole superstructure of wood. All this woodwork was cased in terracotta slabs, picked out in contrasting colours of black and white, or red and blue. Friezes and tile-ends were decorated with conventional patterns or with figures; the *columen* and *mutuli* were faced with slabs representing groups of divinities or of warriors; while tall floral acroteria, whose place might be taken by figures or groups, rose above the apex and the angles of the pediment.

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[1] Volume of Plates iv, 94, *a*.

[2] See Plan 2, facing p. 829.

The temple of Juppiter on the Capitol, part of the podium and substructures of which are now visible in the Museo Mussolini, was strictly Italic in character[1]. It was almost square and rose on a high platform which, according to recent investigations, measured 60 × 55 m., corresponding roughly to the 200 ft. square (Greek) given by Dionysius of Halicarnassus. These imposing dimensions suggest that the Rome of the Tarquins shared to some extent the culture and splendour attributed to the age of the Tyrants[2]. Nor was the Roman temple of Juppiter unique in this respect; and the recently excavated temple (of Juno?) at Ardea has been found to be approximately of the same size[3]. The great breadth of the cella of the Capitoline and of other Etrusco-Italic temples is due to their being tripartite in order to lodge a divine Triad. Others are the temple of Ceres, Liber and Libera at the north foot of the Aventine, not far from the Circus Maximus, a temple at Marzabotto near Bologna, the Capitolium of Veii[4], where the three cellae are clear on the ground plan, and the Capitolium of Signia in Latium, on its high podium.

The older type of wooden column was soon replaced by columns of peperino or later of travertine, no longer cased in terracotta but stuccoed, the decoration of the superstructure remaining of terracotta, as appears from various fragments of tile-ends in the shape of satyr-masks and other fantastic heads found here and there in Rome. The temple of Ceres, Liber and Libera, though Italic in shape and tripartite, as suited a Triad, was, it is said, decorated in a new style by two Greek artists, Damophilus and Gorgasus, who probably came from Southern Italy. This decoration was still of terracotta, and the innovation may have consisted in the introduction of a less heavy manner of modelling, offering the same hellenizing variations from the older Etrusco-Italic style as may be noted in the terracottas of Campania or in those of Latin Satricum. This change would explain Varro's dictum that before this 'everything in temples had been Etruscan[5].'

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[1] Volume of Plates iv, 92, *a*.

[2] For the latest plan see Paribeni in *Not. Scav.* 1921, pp. 38 *sqq.*; Platner and Ashby, *Top. Dict.* s.v.

[3] *Ib.* 92, *b*, *c*.

[4] *I.e.* the so-called temple of Apollo; but see T. Ashby in *The Year's Work in Classical Studies*, 1930, p. 117.

[5] *ap.* Pliny, *N.H.* xxxv, 154.

Round buildings, derived from the round huts of the Neolithic peoples, were largely adopted for the habitations of the dead (cf. Etruscan *tumuli*) and for cults of great antiquity, such as those of Vesta and of the Latin Hercules. The tugurium Vestae in the Forum kept its circular plan throughout all later transformations and embellishments[1]; Hercules had round temples in the Forum Boarium, another near the Circus Flaminius, and a third in the Porticus Philippi. The high antiquity and venerable traditions attaching to round tombs are emphasized in the magnificent revival of the type in late Republican Rome; the shape, sanctified by religion, outlived every fashion and was given by Augustus to his family Mausoleum and by Hadrian to his own tomb and to the Pantheon.

Very little is known of the appearance of the city between the fifth century and the time of the Punic Wars and our knowledge of Republican architecture may be said to begin with the third century. The recent clearance of a group of four temples in what was once an enclosed area or sacred precinct east of the theatre of Pompey (modern Largo Argentina)[2] has given us a starting point of importance. The second temple from the south, which is the most ancient of the four, is not yet satisfactorily identified. It was of tufa originally coated with stucco, and has a high archaic podium and a cella of pure Italic type without vestibule or columns at the back. North of this archaic temple is a well-preserved circular podium of concrete which supports sixteen columns of tufa: from its shape and its locality possibly the temple of Hercules Custos, so called from its being near the entrance to the Circus Flaminius[3]. It was celebrated by Ovid:

> Si titulum quaeris:...Sulla probavit opus,
>
> (*Fasti*, VI, 209, 212.)

Sulla having presumably restored it. Its rectangular porch and steps, with traces of an altar, has an exact resemblance to that of the round temple of Hercules Musarum in the Porticus Philippi as we now know it from a newly identified fragment of the *Forma Urbis*[4]. The likeness to the porch of the Pantheon is evident. The northernmost temple, later incorporated into the medieval church of S. Nicola de Calcarario, is datable to the third century, but is still unidentified. The first on the south which was the last to be completely excavated, is also the latest; being of travertine, it can scarcely be earlier than the last century of the Republic. That these temples were of great sanctity is evident from the careful manner in which they were preserved throughout Imperial times. Though complete evidence is still lacking, it would seem that all four were surrounded by a *porticus* like that of Metellus.

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[1] Volume of Plates iv, 94, *b*. [2] *Ib.* 96, *a*, *b*, and Plan 3, facing p. 829.

[3] See B. Wijkström in *Eranos*, XXVIII, 1930, pp. 148 *sqq*.

[4] The identification is V. Lundström's in *Undersökningar i Roms Topografi*, Svenskt Arkiv for Humanistiska Avhandlingar, II, 1929, p. 96; cf. C. A. Boethius in *Athenaeum*, N.S. IX, 1931, p 122.

The architectural ornament of the Argentina temples has disappeared except for two mutilated capitals; better preserved and more interesting architecturally are the three temples—two Ionic and one Doric[1]—dedicated respectively to Spes, Juno and Janus, that stood on the west of the old vegetable market. They are partly built into the church of S. Nicola in Carcere, which accounts for their unusually good preservation. Though erected at different times, the temples are axially parallel and so close together that they must have given the impression of a single structure with three cellas. All three have Italic podia, the northern one having no columns at the back and the others being, it would seem, peripteral. The architectural forms both of Doric and Ionic are somewhat heavy and clumsy, but the effect may have been helped out by the addition of details in stucco. With these Roman Republican temples may be compared the lovely temple at Gabii, the Italic podium of which is still archaic in character, though the ornamental mouldings are Hellenic in style. Characteristic of the Republican period is the small size of temples: nothing approaching in grandeur to the old Capitoline Temple was attempted until the Empire.

The Tomb of the Scipios (*Sepulchrum Scipionum*) to the left of the Via Appia is a structure of the third century B.C., only recently cleared. The sepulchral chambers, which were excavated in the rock like an Etruscan tomb, were entered from a door in the long podium already mentioned for its paintings (p. 826). Above the podium rose a façade of four columns, with statues in the inter-spaces, which masked the cliff. In spite of its Ionic volutes and Hellenistic ornament the sarcophagus of Scipio Barbatus[2], from the central niche of his family mausoleum, was as severe in structure as the tomb itself. Its Graeco-Etruscan frieze of triglyphs and rosettes derives from Etruscan models (p. 810) and recurs in the time of Sulla on the podium of the Praenestine temple[3] and on the little monument of the flute-players in the Museo Mussolini.

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[1] The names have been variously assigned, the more usually adopted view being that the northern temple is that of Janus (260 B.C.), the central one that of Juno Sospita (194 B.C.), and the southernmost that of Spes (258 B.C.).

[2] Volume of Plates iv, 98, *a*.

[3] *Ib.* 98, *b*.

Among the many Republican tombs in Rome, that of the Baker Vergilius Eurysaces, which is datable to about 50 B.C., deserves another mention here for its quaintly conceived podium consisting of round coupled pilasters alternating with rectangular supports[1]. The round pilasters themselves are said to be built up of corn measures, or, according to a recent theory, of mixing bowls for the dough[2]; and similar measures or bowls, neatly rimmed and turned on their sides, adorn the superstructure, which carries the charming frieze with baking operations already described (p. 822). Aeolic capitals impart a classic touch to the curious little monument.

Whoever the people were who first invented the arch, no one would deny that the Romans were the first to develop its possibilities to the utmost. Its earliest appearance in Italy is actually in Rome, where certain arches over drains in the Forum are to be attributed to the sixth century B.C.[3], thus antedating the beautiful gate of Etruscan Volterra, which belongs to the fifth century. At first arches developed along utilitarian lines, being used for drains, city gates, and later for aqueducts and bridges. A fine stretch survives of the arches of the Aqua Marcia, the aqueduct constructed in 144 B.C. by Q. Marcius Rex to bring water thirty-six miles to Rome from the Sabine mountains. Traces of the Pons Aemilius of 142 B.C., built into an arch and pier of Augustan date, are still visible in mid-stream; of the Pons Mulvius, which carried the Flaminian Way across the Tiber, and which was rebuilt in stone at the end of the second century, two ancient arches are partially extant; even earlier is the one-arched bridge on the Via Praenestina which was retained below the seven arches of the later Ponte di Nona, itself 'by far the finest road bridge in the neighbourhood of Rome[4].'

In the second century likewise the arches, honorary or triumphal, whose origin may be traced back to the ancient rites prescribed for the purification of the victorious army[5], began to exhibit those forms and systems of decoration which were brought to perfection under the Empire. Triumphal arches, to commemorate victories and serving as a rule as pedestals for statues of the *triumphatores*, were put up by L. Stertinius in 196 B.C., in the Cattle Market; in 190 B.C. by Scipio on the Clivus Capitolinus; in 121 B.C. in the Forum by Q. Fabius Allobrogicus. It is an open problem when and where the system of two columns flanking an arch, known from triumphal arches and monumental gates and from the Sullan *tabularium*, was invented, though the arch itself is an old Italic form as we know from Volterra and from the later gates of *Falerii Novae*.

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[1] Volume of Plates iv, 100.

[2] The theory (not yet published) is Mr I. A. Richmond's, who has an account of the tomb in his *Walls of Rome*, pp. 12, 205, etc.

[3] T. Ashby and Spiers, *Architecture of Ancient Rome*, p. 3; cf. Platner-Ashby, *op. cit.* p. 464.

[4] T. Ashby, *The Roman Campagna in Classical Times*, p. 132.

[5] F. Noack, *Römische Triumphbogen.* (Vorträge der Bibliothek Warburg 1925–26 (1928).)

It is often asserted that anything like regular town-planning was impossible in Rome because of the hills[1]. This is true so far as the city as a whole is concerned; but repeated and successful efforts were made to improve one or other of the quarters of Rome and to dispose new buildings on a symmetrical plan. Already a road such as the first stretch of the Via Flaminia, the Via Lata, corresponding to the modern Corso, provided Rome as early as 220 B.C. with the backbone for a piece of town-planning still respected in every *piano regolatore*. On the west the Circus Flaminius, one of the earliest stone buildings in Rome, was the centre of a building district known as *ad circum Flaminium* and together with the precinct of the four temples (p. 833) formed the nucleus of a well-planned group on the west of the Via Lata. Another group, immediately south of the Circus, but with a different orientation, comprised the Porticus Octavia, of 163 B.C., and the Porticus Metelli, of 147 B.C. and provided Rome with still further emplacements for recreation and for the transaction of business. This western region of theatres, amphitheatres and colonnades was later matched by the chain of Imperial Fora on the east, the first of which, the Forum Caesaris, was laid out for the great Dictator in 54 B.C.

Early in the second century, however, long before the idea of fora to supplement the crowded Roman Forum had dawned, the congestion on this eastern side was relieved by the erection in 179 B.C. of a large market-place on the north-east of the Basilica Aemilia, which absorbed among others the old Fish Market, and a market dedicated to the sale of sweetmeats; the very markets, probably, whose loungers, vendors, catering parasites, and even less reputable characters are so gaily described by Plautus; like the street markets recently abolished in modern Rome, they were assuredly more picturesque than hygienic. The new Macellum itself disappeared to make way for a line of Imperial Fora; but it was doubtless the model for the Imperial market-places on the Coelian and Esquiline: a central round hall in the midst of a square enclosure lined by shops. In the years that followed the successful close of the Hannibalic War (201 B.C.), when building activity was at its height, the basilica, a new type of roofed structure, was introduced from Magna Graecia or the East. The earliest was the Basilica Porcia, erected in 184 by Cato the Elder, and followed in 179–174 B.C. by the famous Basilica Aemilia; the oldest surviving is the basilica of Pompeii which differs, however, from the accepted type in being open to the sky. Basilicas were mostly of considerable size; they were used as law courts, as halls for the transaction of business, as meeting places, as shelters from rain or sun, and eventually became a popular feature of almost every Roman city. To them also European architecture owes the principle of clerestory lighting. Another innovation of the second century was a stone theatre, the first of the kind erected in Rome, but soon pulled down again owing to the outcry raised against the introduction of Greek customs (p. 805).

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[1] Good examples of Italico-Roman axial planning ranging from the fourth to the second centuries B.C. are provided by the small *castrum* (only 193 × 120 m.) of Ostia of *c.* 330 B.C., by Cosa of 273 B.C., Falerii 241 B.C., Bononia 189 B.C., Aquileia 181 B.C. That Italic axial planning developed independently and earlier than Greek seems now accepted; see D. S. Robertson, *Greek and Roman Architecture*, p. 193.

Domestic architecture also flourished at this time. Besides the more patrician atrium-houses of the richer quarters of the city there is now full evidence that tenement houses, heralding the Imperial *insulae*, were erected in Rome from the end of the third century B.C.[1]. They were of the type first known from Ostia and which is now being ascertained for Pompeii and elsewhere.

That the high standard of Roman architecture was acknowledged outside Italy itself as early as the beginning of the second century B.C. is evident from the fact that in 174 Antiochus IV summoned a Roman architect of the name of Cossutius to complete the Olympieum at Athens left untouched since the days of Peisistratus (see vol. VIII, p. 701).

Any discussion of building material falls outside the scope of this chapter, yet it is impossible to speak of Republican Rome of the second century without mentioning the introduction of concrete. It makes a first modest appearance in Rome between 120 and 117 B.C. for the podia of the temples of Castor and of

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[1] C. A. Boethius, *De nya utgravningarne i Rom*; cf. A. Maiuri in *Atti del I Congresso Nazionale di Studi Romani*, I, 1929, pp. 163 *sqq.*; K. Lehmann-Hartleben in *P. W. s.v. Städtebau*, cols. 2040, 2058.

Concord—but the innovation must fairly have revolutionized building, opening out new constructional possibilities which eventually led to the audacious vaults and domes of the great edifices of the Empire.

The remarkable progress made under Sulla, great town-planner and master-builder, was due to the closer welding together of forces and principles already present in Italic architecture, rather than, as is generally stated, to new Hellenic influence. There can be no doubt that Sulla, fresh from the conquest of Greece, dreamt of creating a Rome that should vie with the great capitals of the Hellenic East, but he did not necessarily conceive of a Rome copied from these, or even of one modelled upon the same plan. Similarly, although Hellenistic forms had for a long period been slowly filtering into Rome, affecting and modifying architectural detail, there is no sign, either in Sullan or in pre-Sullan Italy, of a reversal of accepted architectural principles. The Italic element remained dominant throughout the peninsula, but a new inspiration is evident in details such as the enrichment of the Corinthian capital notable at that time. Typical of the new tendencies is the Capitoline temple of Juppiter (burnt down in 83 B.C.) as restored by Sulla; this retained its full Italic plan, but received new and high columns of Greek style—an architectural luxury hitherto unheard of. In the same way the arcaded façade of the *tabularium* towards the Forum on its high Italic podium offers us the apotheosis of the combination Roman arch and Greek pilaster.

The two temples of Sullan epoch at Cori[1] are Italic in plan, without columns at the rear; the better preserved of the two has the characteristic high pediment and broad spacing of the columns. The less well-preserved—dedicated to the Castores according to the inscription—shows Hellenic detail in its Corinthian capitals, the fashion for Corinthian having been enthusiastically adopted under Sulla, but remains strictly Italic in plan. Purely Italic, likewise, are the temples of Tivoli on their imposing podia, although much of the trimming may be Hellenistic[2]. The so-called 'Temple of Peace' at Paestum, set up by the Lucanians after the expulsion of the Greek rulers, shows a return to the Italic type with deep vestibule and no columns at the back[3]. At Pompeii the principal temples of the Sullan Colonia Pompeiana have Italic plan: the temple of Juppiter[4], though not tripartite, has the characteristic broad cella, deep vestibule, high podium and no peristyle; the

[1] Volume of Plates iv, 102, *a*, *b*.

[2] *Ib.* 102, *c*.

[3] See Plan 4, facing p. 829.

[4] Volume of Plates iv, 104, *a*.

temple of Apollo, it is true, has a peristyle, but otherwise follows the 'Etruscan' plan[1].

Nowhere does Sullan architecture show itself more magnificent than in the great pilgrimage shrines which Sulla built or restored. Of these the temple of Juppiter Anxur at Terracina, the platform of which still dominates the town from a slope of Monte S. Angelo, was perhaps the most imposing. The platform is supported by arched galleries in the characteristic Sullan *opus incertum*[2]; the temple itself, with its precinct and rest-houses for the priests, was one of the most splendid edifices of Latium, comparable with the shrine of Fortuna at Praeneste or that of Hercules at Tivoli.

The Praenestine sanctuary, in reality a kind of 'Holy city' containing a temple with all its appurtenances, was rebuilt by Sulla after the Social War. It rose in terraced slopes, covering the whole hillside as with a great baroque façade[3]. The lower principal terrace formed a long covered court whose rear wall was broken up by windows in Hellenistic style: at the one end was the oracular cave with the beautiful mosaic of the inland bay; at the other was a long hall, with domed apse identified as the temple and paved with the great mosaic of the Nile[4]. This hall is specially noteworthy for its internal architecture, consisting of a high podium which supported columns in a manner imitated in the 'second style' of Roman wall-painting. The podium[5], moreover, was adorned with a delicately carved pattern of triglyphs and rosettes already familiar from the sarcophagus of Scipio Barbatus and from Etruscan sarcophagi (p. 834).

Together with the two smaller temples above the Anio, the once celebrated Sanctuary of Hercules at Tivoli also belongs to the Sullan period: like that of Fortune at Praeneste, it consisted of a series of terraces which supported the actual temple—now embedded in the cathedral—minor shrines, offices for the 'college' in charge of the temple ritual, and the like.

Outside Rome the Sullan age left its mark not only in these famous sanctuaries and temples, but also in a multitude of villas which, though restored and altered, often lasted late into the Empire. Fine remains are to be seen at Terracina, at the neighbouring Monte Circeo, while under the Villa of Hadrian near Tivoli an original villa of the Sullan period has lately been discovered.

In Rome, Sulla, hardly more fortunate in this than Caesar, planned more than he achieved. His Capitol was completed in the consulship of Q. Catulus, who is also responsible for the *tabularium*[1] with its vault and chambers of Roman concrete and its Hellenistic arcading, which Sulla had planned to unite Capitol and Arx and also to provide the north end of the Forum with a façade. The Curia and Rostra which he remodelled and enlarged were burnt down in 52 B.C., and his further schemes for improving the Forum came to an end with his abdication.

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[1] See A. Mau, *Pompeii*, new English ed. 1907, p. 82.

[2] See Plan 5, facing p. 829 and Volume of Plates iv, 106, *a*, *b*.

[3] *Ib.* 108.

[4] On its Hellenistic character see Marion E. Blake, *Mem. Amer. Ac.* VIII, 1930, pp. 139 *sqq.*

[5] Volume of Plates iv, 98, *b*.

The great work of planning the city was next taken up by Pompey, whose theatre, erected in 55 B.C., gave another splendid civic building to the Flaminian region (p. 615). Though inspired, it is said, by the Theatre of Mitylene, the ground-plan of Pompey's theatre reveals the usual Roman arrangement by which *auditorium* and stage-house are united into one building instead of being separated by wide passages as in Greece. The huge *cavea* conceived, it was said, as steps leading to a shrine of Venus, in order that another protest against a permanent theatre of stone might be averted, had a façade in three tiers of arcades, the flanking columns of which imparted to the whole edifice the coveted Hellenistic appearance. South of the stage-house opened a colonnaded portico to which spectators resorted for fresh air and which was much frequented as a promenade. Behind the colonnades were halls for the transaction of business, in one of which, large enough to accommodate a meeting of the Senate, Caesar was murdered. It is probable that Pompey, flushed with the success of his Eastern expeditions, dreamed like Sulla of a greater Rome of which his theatre was to be a leading feature; but at heart he remained Italian and Roman, and the temple which he consecrated to Hercules was built, as Vitruvius is careful to point out, in the same archaic and barycephalic or 'top-heavy' style as the temple of Ceres, Liber and Libera.

To the transition period between Pompey and Caesar may be attributed the charming Ionic temple by the Tiber—an Italic structure on high podium[2] with engaged Ionic columns simulating a Greek peristyle and with delicate mouldings carried out in stucco. Here again the decorative motives are borrowed from Greece while the structural principles are those traditional to ancient Italy. As to the celebrated round temple near by, which in its present condition can scarcely be earlier than Augustus, all that can be said is that it possibly conceals beneath its later marble casing an earlier structure, the tufa podium of which, afterwards used as core of the marble stylobate, is still visible.

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[1] Volume of Plates iv, 104, *b*.

[2] *Ib.* 110.

Among the many building enterprises connected with Caesar one of the most significant was the forum called after him, by which he planned to relieve the overcrowding of the Roman Forum. It was thus the first in the series of *fora* which are among the Empire's most lasting contributions to the embellishment of the city. Recent excavation shows that the new forum was planned in Italico-Roman fashion as the court of a temple, but it marks an advance on Gabii in that the temple, according to well-considered calculation, was placed against the back wall of the precinct, though Appian[1] seems to imply that it stood out free within the enclosure. The forum itself, planned as early as 54 B.C. and begun when Caesar was still in Gaul, covered an area of some 6–7000 sq. m., about a third of which (longitudinally) was uncovered early in 1932. The enclosing wall rises to a height of 17 m.; behind it are three superimposed galleries (the upper one arched) divided into small chambers of unequal depth serving apparently as *tabernae* or offices looking on the forum. The construction, so far as at present revealed, was throughout of tufa with travertine details. In front of the shops ran a street, separated by a colonnaded portico from the inner temple precinct. The temple, vowed at Pharsalus and therefore later than the forum, still lies buried under the modern street. The capitals of two columns found fallen on the west side of the temple reveal late Flavian character. They presumably belong to a restoration necessitated by a fire or other catastrophe of which there is no record in history. The podium, however, seems to have been high, of Italic type and Caesarian date. Forum and temple were completed by Augustus but by what precise date is uncertain.

Other buildings of Caesar, such as his curia and rostra, have disappeared under later constructions, but it is interesting to note that behind the *Saepta Julia* (a building planned by Caesar but built after his death) on a site south of the later Pantheon, stood, according to recent investigations[2], that mysterious *tumulus* (or *aedes*) *Juliorum* in which the great Dictator was laid to rest by the side of his daughter Julia. Systematic excavation is making it daily more evident that the Republican City to which Caesar intended to put the finishing touch was the worthy predecessor of the 'city of marble.' Fundamental architectural principles based on the experience of centuries had been laid, and Augustus found ready to his hand and already fully developed every architectural form with which the name of Rome is indissolubly connected.

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[1] *Bell. Civ.* II, 102, 424.

[2] V. Lundström, *Undersökningar i Roms Topografi*, pp. 130 *sqq*.

CHAPTER XXI

THE DEVELOPMENT OF LAW UNDER THE REPUBLIC

I. PERIODS IN THE HISTORY OF REPUBLICAN LAW: STATE OF THE EVIDENCE

UP to the beginning of the second century B.C. the national Latin law ran a course of normal native development, but during the last century or so of the Republic it was obliged to adapt itself to the radically changed conditions of the Roman State, and to enter on a process of shedding its national archaism and of reception of ideas from subject nations which was continued under the Empire. Thus the periods in the history of law do not coincide with those of constitutional history; the fall of the Republic found private law in an early stage of its second period, during which it had ceased to be purely national and was becoming Romano-Hellenic like the civilization in which it was rooted. Though the climax of this second period, the classical age of Roman law, came under the Empire, nevertheless the middle of the last century B.C. is a convenient point from which to take stock of the essential contrast between the earlier and later periods. The decisive turn in the new direction had by then been taken, and already the main categories of juristic thought had been fixed, the fundamental institutions established, the full juristic method acquired. In comparison, the classical period of the Empire was not creative; what was left for the jurists was to elaborate and refine, to work out consequences in detail. The central point of a short sketch of Republican legal history must therefore be the most important and interesting phase of the whole of Roman legal history, namely that of the acquisition of ideas and institutions which were the germ of the subsequent development.

The state of the evidence is briefly that, while we can form fairly correct general ideas of the primitive and late Republican law, so that there can be no doubt of the wide gulf that separates them, we have to rely largely on conjecture for the intervening history. The contrast is great, but no greater than that between the conditions of the Roman State and Roman society at the same two epochs. Of the law at the end of the Republic we can obtain a general picture from Cicero, the contemporary jurists and their immediate successors; and again, the Twelve Tables were so freely quoted by grammarians and antiquarians, and so fondly appealed to by jurists, whenever appeal was possible, that however little value can be attached to the modern conventional grouping of fragments as a reconstruction of the work of the Decemvirs, it must be admitted that a fair idea of the primitive law is attainable. In this matter the technical form assumed by classical law is of much assistance, because its statement involves a constant contrast between the old civil law rules and their practical nullification by praetorian and later rules.

On the other hand, the evidence of how and when the primitive law was modified and the later law came into being is poor. That from contemporary documents, whether juristic literature or statutory texts, is insignificant, as can be seen from a glance at Bremer's *Iurisprudentia Antehadriana* or Bruns' *Fontes*. The only professed legal history that has come down to us is the long extract from Pomponius' (*aet.* Hadrian) *liber singularis enchiridii* in the Digest (*Dig.* 1, 2, 2), of which the third part (*Dig.* 1, 2, 2, 35–53), dealing with the succession of *prudentes* up to his own time, is a practically unique source. But the mistakes made in the first two parts, which we have some means of checking, together with the rhetorical colour and bad Latin of the whole extract, greatly impair its authority. The best opinion, however, accepts it as an authentic work of Pomponius, that is of one who, whatever his qualifications for writing legal history, was a jurist having access to all sorts of information denied to us, but a work which has been subjected to extremely careless 'interpolation,' taking the form chiefly of copious excision by Justinian's compilers of what must have seemed to busy practical men wholly unnecessary historical details, accompanied by gross neglect in joining the loose ends.

II. THE SOURCES OF LAW

The organs of development were custom, statute, Edict and jurisprudence. Custom requires no separate consideration, not that it is unimportant, but because, except so far as taken up by one of the other sources, it is imperceptible. Historical Roman law begins with a code, which, so far as we can judge, was a model of draftsmanship, bearing witness to a remarkable prehistoric jurisprudence: they were no novices who in the short time allowed by tradition for its preparation achieved this expression of hard practical thinking in terse, plain and painfully accurate language.

But statute stands still and life moves on. Sooner or later arises a discord for which the two possible remedies are fresh legislation and adjustment by doctrine and practice. In private law the Romans chose on the whole the latter method, with the result that the Twelve Tables stood for centuries as the basic statute, the *lex per eminentiam*. But though the hard-won equality and certainty of law which it established caused the code to be cherished as a sort of *Magna Carta* in the nature of a treaty between the Orders, it would be an exaggeration to say that it was regarded as the unalterable and final word of the legislature, even if the statement be confined to private law. The legislation of the assemblies, though not abundant in this department, proves the contrary. The real explanation of the formal endurance of the Twelve Tables is that the necessary changes were satisfactorily carried out by other means.

The reform of private law has never been a favourite occupation of legislative assemblies, and therefore the fact that many of the *leges* (including *plebiscita*) touching private law are attributable to social or economic motives is perfectly natural and normal. Though statutes so inspired do in fact modify private law, and though technical defects of private law may in themselves constitute a grave social evil, it remains true that public opinion is slow to demand legislative action against the *vis inertiae* of an inherited private law, while lawyers themselves, who could best formulate the defects and their remedies, have an instinctive dislike of appeals to the legislature, preferring to deal with what they regard as their own troubles in their own ways. Now when the need to reform the primitive law had outstripped the powers of even the liberal Roman conception of *interpretatio*, the lawyers had in the praetor's Edict an instrument of reform which was practically as potent as statute, and far more congenial. For example, the primitive law of damage to property was reformed by a statute (Lex Aquilia, ? 287 B.C.), whereas that of injury to the person was reformed by the Edict; and the explanation is that at the date of the Lex Aquilia the praetor did not possess or did not realize his power, whereby he later modernized the law of *iniuria*.

We have not space in which even to name the Republican statutes on private law. Whatever may have been their motive, their total effect was not small. The most far-reaching importance belongs to those which concern procedure, because of the opportunities for the development of law by practice which they created, and among these the Lex Aebutia is outstanding. Our information as to its exact contents is very scanty, but, whatever view is taken of them, it is common ground that its introduction of the formulary procedure between citizens marks the beginning if not of all praetorian law, at least of the grand period of the Edict. Its enactment, which may be put about 150 B.C., seems to have terminated a sudden outbreak of legislative activity; at any rate, few relevant statutes can be placed certainly later. But there is one observation which should be made before leaving the subject of statute law: what Cicero (*de legibus* III, 20, 46, 48) tells us of the carelessness with which *leges* were preserved warns us that, in considering how this or that development may have taken place, we must sometimes reckon with the possibility of forgotten legislation, so that what appears to be common law may be 'statute worn out.' Still, in view of the tenacity of the tradition of private law, a forgotten statute is likely to have been an ineffectual statute.

The two organs of development with which an outline such as this must deal are the Edict and jurisprudence. In a broad sense jurisprudence covers the whole field, because the Edict, though formally the magistrate's contribution to practice, was substantially the work of the jurists. The grand epoch of the Edict was, as has been said, under the formulary system introduced by the Lex Aebutia, and at the end of the Republic *ius praetorium* had already profoundly modified the whole law. But the scope of the pre-Aebutian Edict, or, to use a wider expression, of the powers of the magistrate under the pure system of *legis actiones*, is the most controversial question in the history of Republican law. It will be convenient, before discussing this question in connection with the development of the law in the pre-Aebutian period, to give a preliminary account of the legal profession, which can be short, since the subject is well known. The work of that profession, jurisprudence, as being always with us and as containing within itself the precipitate of all the other factors, will occupy the greater part of the chapter.

III. THE REPUBLICAN JURISTS[1]

The consent of tradition traces the origin of jurisprudence to the college of *pontifices*, which, it may be conjectured, acted as the *consilium* of the king on questions of *fas* and *ius*. But whereas consultation of the college in matter of *fas* is historical, the function of giving *responsa* on private law belonged in historical times to the individual *pontifex*, from whom it passed unchanged in essentials to the individual practising jurist. Pomponius (*Dig.* 1, 2, 2, 6) indeed makes a statement pointing to a more regulated institution: from the college of *pontifices* one was appointed annually *qui praeesset privatis*. Since there is no evidence that the *pontifices*, whether as individuals or as a college, ever exercised a proper jurisdiction, this must be understood to refer simply to a division of the work of consultation, an interesting symptom of the separation of *fas* and *ius*, and of the abandonment of collegiate counsel in matter of *ius*, if such counsel ever existed.

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[1] The fundamental authority, freely followed here as far as it goes, is P. Jörs, *Röm. Rechtswiss. zur Zeit der Republik*, I: *Bis auf die Catonen*. Constant use has also been made of F. P. Bremer, *Iurisprudentia Antehadriana*, I.

The Romans put the function of the consulting lawyer very high: no list of sources omits the *auctoritas prudentium* in one form or another. Gaius (1, 7; 4, 30) actually speaks of their authority *iura condere*, but this is a recognition[1], in an age of reflection, of practical effects, not of formal competence. The authority of the *pontifices* rested on superior knowledge, derived from oral and written collegiate tradition, and that of the later *prudentes* was an inheritance of theirs. In an age of formalism, when in order to obtain a desired sacral or legal result one had to make a literally exact use of the appropriate traditional formulary, it was but prudent to be guided by those who, possessing archives, were supposed to possess the tradition, and whose pronouncements were accepted by all as final. Formalism, in fact, was only tolerable on condition of *copia iurisconsulti*. A magistrate or a citizen having important business to transact with heaven or man would, as a matter of course, betake himself to the *indigitamenta* or *actiones*, which could only be arrived at through a *pontifex*. The *actiones*, according to earlier technical usage, covered not only the formularies of court-procedure, but also those of business transactions generally. The selection of the proper *actio* and its adaptation to the matter in hand required, besides access to the pontifical archives, knowledge of and practice in the law. Moreover, a magistrate might not exercise jurisdiction on a *dies nefastus*, and the *dies fasti* and *nefasti* could only be ascertained from the pontifical calendar.

Thus the famous pontifical monopoly was merely a *de facto* monopoly of knowledge, not unlike the familiar professional monopoly of the present day, except that the authority of a modern legal opinion rests on argument brought before the bar of an instructed public opinion, whereas the *responsa* of the *pontifices*, who no doubt were careful to present an unbroken front, were the oracular utterances of members of a close college of five.

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[1] To be found also in Cicero, and in Pomponius, who probably derived it from Varro.

A monopoly of knowledge is broken down by its divulgation. The decisive steps in the divulgation of jurisprudence were the public declaration of the law by the Twelve Tables, the publication of the *ius Flavianum* and of the calendar, and the opening of the college to plebeians by the Lex Ogulnia (300 B.C.). The Twelve Tables did not, as we shall see, supersede the traditional lore of the *pontifices*, but they introduced a new and controlling factor. Though knowledge of the old forms remained essential, and though their application became increasingly beyond the powers of a layman, yet the concrete formulations uttered by the *pontifices* had to accord with a statute which was public property, and not merely with a mass of custom the definition of which lay in their own hands. The *responsa* and the formularies prescribed by them were indeed no secret. A man who chose to collect them as given, and to take note of the decisions of the courts and of the course of the calendar, would in time provide himself with the materials which the *pontifices* still monopolized in their archives. And, since there is no reason to endow Appius Claudius with the pontificate, this is roughly the course that he and his secretary Cn. Flavius must have pursued before they published in 304 B.C. the *actiones* or precedents and the calendar (vol. VII, p. 533).

What could not be divulged so easily was the traditional technique of application and adaptation. The science that lay behind the precedents must have been unformulated, a simple craftsmanship incommunicable save by practical demonstration. It is unlikely that the early *responsa* were argued so as to permit of their method being inferred. But almost contemporaneous with Appius Claudius's publications is the Lex Ogulnia admitting plebeians and with them fresh air to the college. It is no accident that the first plebeian *pontifex maximus*, Ti. Coruncanius (*cos.* 280 B.C.), was also the first *publice profiteri* (Pomponius, *Dig.* 1, 2, 2, 35, 38), by which phrase we must understand at least that he argued and expounded the questions arising in his practice before those desirous of learning the law. Thereby he was disclosing the last secret, and completing the change from oracular to professional jurisprudence which the Twelve Tables had rendered inevitable in the long run. It does not seem that the pontifical monopoly had constituted a political grievance, but with the removal of the last class-barrier the last motive for preserving it disappeared.

To the public the opening of the profession of jurisconsult can have made little difference. Certain members of the governing classes continued to control with unquestioned authority the interpretation of the law by their *responsa*, but who they should be was settled by educated public opinion instead of election to the college. Besides their jurisprudence, the *pontifices* bequeathed to posterity two valuable traditions: to the governing classes the tradition that the practice of law was a branch of statesmanship worthy of them, a public service to be given freely without reward, to the people that of unquestioning acceptance of learned opinion. Thus the primeval authority of the *pontifices* continued as the *auctoritas prudentium*, and for a time no change of juristic method is discernible. The science of Coruncanius and his successors was for nearly a century a simple continuation of that of the *pontifices*, but with Sextus Aelius Paetus (*cos.* 198 B.C.) we reach the end of the national period of law.

Sextus Aelius is a figure of the first importance. Pomponius tells us (*Dig.* 1, 2, 2, 7) that owing to the *ius Flavianum* having become inadequate (*deerant quaedam genera agendi*) Aelius *alias actiones composuit et librum populo dedit, qui appellatur ius Aelianum.* In a second notice (*ib.* 38) he relates that there was still extant in his own day a work by Aelius containing as it were the cradle of the law, called *Tripertita* because *lege duodecim tabularum praeposita iungitur interpretatio, deinde subtexitur legis actio.* The questions of the relation of the *ius Aelianum* to the *Tripertita*, and of the way in which the threefold division of the *Tripertita* was applied, are of no great moment. What matters is that the *Tripertita* were still extant in Pomponius' day, that he regarded them as the earliest known monument of the law (*veluti cunabula iuris*), and that what he says of the early law is almost certainly derived, immediately or ultimately, from them. In describing that law (*ib.* 5–6, cf. 12) Pomponius uses the Aelian triad, *lex*, *interpretatio* and *legis actiones*, and perhaps the most important point in our meagre information about the *Tripertita* is that by about 200 B.C. the juristic law or *interpretatio*, which was the product of practice (*disputatio fori*), was recognized as a distinct mass and known as *ius civile quod sine scripto in sola prudentium interpretatione consistit* (Pomponius, *ib.* 12, cf. 5). It should be added that, though the aim of the *Tripertita* was doubtless practical, it seems to be the starting point of Roman legal literature and the first step towards a systematic treatment of the whole law. Till then there can have been little beyond collections of formularies and of *responsa*, and possibly commentaries on portions of the Twelve Tables. Moreover, standing at a momentous parting of ways, it belongs to that small class of books which, whatever their intrinsic merits, are remembered as representative of a whole period.

Aelius lived long enough to see the beginning of the succeeding age. The consul of 198 was a friend of Laelius, and was even remembered by Q. Mucius Scaevola the Augur, who seems to have been born about 160. He must have witnessed, perhaps with eyes less totally unsympathetic than those of the elder Cato, the spring of the intellectual awakening which followed the Second Punic War, but to judge by his favourite quotation from Ennius[1] he was averse from speculation. One may guess that he was the typical successful lawyer, too keen a mind not to be in touch with the intellectual movement, but absorbed by his practice, *cordatus*, but eminently *catus*.

His contemporary, M. Porcius Cato (234–149 B.C.), is interesting rather as a statesman and man of business than as a jurist. The corrupt notice of Pomponius (*Dig.* 1, 2, 2, 38) seems to ascribe him, as one would expect, to the old school of jurisprudence, though no doubt the forms of contract recommended in the treatise on agriculture by a man certainly not easily *captus* were the last word in the *ars cavendi*. Our tradition generally fails to distinguish him as a lawyer from his son (*c.* 192–152 B.C.), but what Pomponius says entitles us to attribute anything of importance to the latter, who is to be reckoned the founder of the new school[2].

The son's name lives in the *regula Catoniana* (*Dig.* 34, 7, 1), and a valiant and not wholly unsuccessful attempt has been made by Jörs to represent him as the introducer of a new method, that of *regulae*, the novelty of which would consist in not arguing from the concrete solutions of previous *responsa* to that of the case in hand, but in deriving the principle to be applied by generalization from them. But, as Jörs himself recognizes, it is hazardous to make the mere disengagement of general propositions implied in all argument a novelty of the Catonian age. That much of the older law was remembered by the classical jurists in the form of *regulae* or *definitiones* of the *veteres* must be admitted, but those who drafted the Twelve Tables were already capable of some generalization and, on the other hand, not every *regula* in the Digest is old. If we could feel sure that the Catonian fragment in *Dig.* 45, 1, 4, 1 has not been recast, we should say that before 150 B.C. the lawyers were arguing in modern style. That about this time they were busily arguing is shown by the emergence of *ius controversum*[1]. On some disputed points we have the views of the men who according to Pomponius (*Dig.* 1, 2, 2, 39) *fundaverunt ius civile:* M. Junius Brutus (*praetor* about 150 B.C.), M'. Manilius (*cos.* 149) and P. Mucius Scaevola (*cos.* 133, *pont. max.* 131). The formularies of stipulations in sale, the *Manilii actiones*, some of which are preserved by Varro, come probably from this Manilius, perhaps from his *Monumenta.* Brutus is to be noted as having adopted in his *de iure civili libri tres* the Greek form of dialogue, and P. Mucius as having upheld the tradition of legal science in the pontifical college; he also left books. A few *responsa* of these men survive in one form or another.

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[1] Cicero, *De Rep.* 1, 18, 30: philosophari velle, sed paucis; nam omnino haud placere.

[2] Pomponius, *Dig.* 1, 2, 2, 38: hos (*i.e.* the school of Aelius) sectatus ad aliquid est [Cato. deinde] Marcus Cato princeps Porciae familiae, cuius et libri extant: sed plurimi filii eius, ex quibus ceteri oriuntur [ordiuntur. Mommsen]. Cf. Jörs, *op. cit.* 1, p. 279 n. 1.

The signs are now plentiful that we have reached a new age with which the classical lawyers felt at home. Its characterization had best be deferred, though it is convenient to complete here our notice of the leading jurists. The names multiply, and they are names which we meet occasionally in the Digest. We must be content with the bare mention of P. Rutilius Rufus (*cos.* 105) who, like his older contemporary Q. Aelius Tubero (*cos. suff.* 118), was a Stoic pupil of Panaetius. He is thrice cited by Ulpian (through Sabinus), and was the author of more than one reform.

In the last years of the Republic three great names stand out: Q. Mucius Scaevola (*cos.* 95 B.C.), C. Aquilius Gallus, a pupil of Mucius, praetor of the *quaestio de ambitu* 66 B.C., who died between 55 and 44, and his pupil Servius Sulpicius Rufus (105–43), the close friend of Cicero. Born of a family of lawyers and *pontifices* and an ardent member of the senatorial party, Q. Mucius was the natural champion of tradition. To the classical jurists he represented their law in its earliest stage; he was much used by Labeo and Masurius Sabinus, and he is quoted as late as Ulpian and Paul. Tribonian professes to extract from his *liber ὅρων*, but may have drawn his knowledge from Pomponius' *libri ex Q. Mucio.* Safer sources for us are Cicero, Varro and Gellius. The son and pupil of P. Mucius was undoubtedly a conservative lawyer, but he was also the friend of Rutilius and a Stoic, and in the freer field of provincial administration he signalized his governorship of Asia in 100 B.C. by an Edict which Cicero fifty years later took as his model in Cilicia. It was doubtless pure joy to repress the *publicani*, but he also allowed *autonomia* to the Greeks, and he propounded an *exceptio doli* which anticipated by a good few years, at least, that of the urban Edict. In him we see the conflict of the old civil law tradition with the new philosophical and rhetorical doctrines. If he came out on the wrong side in the *causa Curiana*[1], it was a mistake with which any lawyer will sympathize. His utterance on the *bonae fidei arbitria*[2] shows that his heart was in the right place, but it is balanced by his adherence to the old rule that land sold was not warranted free of servitudes unless expressed to be *optimus maximus*, and he seems to have been incapable of appreciating the natural reasonableness of partnership between a capitalist and a skilled man. Yet he was perhaps the first to hold that a borrower was responsible for negligent as well as intentional damage and that a right to sue in theft descended to the heir. What is most noteworthy is that he was the first to attempt a systematic treatment of the law: *ius civile primus constituit generatim in libros decem et octo redigendo* (Pomponius, *Dig.* 1, 2, 2, 41), a great advance on the *ordo legalis* of Aelius' work. Such treatment involved the use and definition of general concepts; we see Greek influence at work in his attention to ὅροι or *definitiones*, and to distinction by *genera* and *species*.

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[1] Jörs, *op. cit.* 1, p. 84; P. Krüger, *Geschichte der Quellen und Literatur des röm. Rechts*², pp. 53, 62 n. 37; Bremer, *op. cit.* 1, 22, 25, 32.

C. Aquilius Gallus appears to have been a lawyer of much the same stamp, but of a more purely practical bent; no literary work is attributed to him, and his remains are a product of practice. His greatest achievement was the introduction of a remedy for fraud. It is uncertain whether he was responsible for the defence (*exceptio doli*) as well as for the action for damages (*iudicium*); but the *exceptio* was an inevitable deduction from the *iudicium*, and this proved one of the most potent instruments in the modernization of the old law. Since he was never *praetor urbanus*, he must have proposed his *formulae de dolo malo* as jurisconsult, and since he was not an author, probably in a *responsum* or *responsa*. To the same origin must be ascribed the *stipulatio Aquiliana* (*Inst.* 3, 29, 2; *Dig.* 46, 4, 18, 1) and his precedent for institution as *heredes* or the disinheriting of certain *postumi* (*Dig.* 28, 2, 29 pr.; 28, 6, 33, 1). He was *iudex* in the *pro Quinctio*, where his decision is not certainly known, and in a scandalous case in which he seems to have pronounced void a promise based on immoral consideration. His equity is celebrated by Cicero (*pro Caecina*, 27, 78) in an eloquent passage.

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[1] See below, p. 870 *sq.*; Bremer, *op. cit.* 1, 49; J. Stroux, *Summum ius summa iniuria*, p. 29.

[2] Cicero, *de off.* III, 17, 70.

Servius Sulpicius Rufus is rated by Cicero above Mucius and Gallus as a jurist and below only himself as an orator, a suspicious antithesis. He was a prolific writer, but the little that we know of his works suggests that he wrote no great systematic treatise, confining himself to criticism of Mucius and to monographs. He is credited, however, with the first commentary on the Edict, two books *ad Brutum*, *perquam brevissimi*—a significant occurrence. He was very active as consultant and teacher, a large number of his *responsa* being preserved by his highly distinguished school. It is impossible to enter here upon the various points which suggest comment as one reads these texts. Though modern opinion inclines to think Cicero's estimate (*Brutus*, 41, 152 *sq.*) unduly laudatory, he seems to have judged correctly enough that Servius introduced and exploited the dialectical method, and that he frankly adopted equity as his aim. In short he brought to the service of jurisprudence the full Graeco-Roman culture, and in him the adoption of the new jurisprudential method was complete[1].

IV. THE DEVELOPMENT OF THE LAW IN THE NATIONAL PERIOD

The Twelve Tables did not supersede the national jurisprudence to whose pre-existence they bear witness, but played straight into the hands of its exponents. The short gnomic sentences of the code state sometimes a wide principle, sometimes a detail, but throughout an existing body of custom is presupposed. Procedure receives the most detailed treatment (Twelve Tables 1–3), but though the Decemvirs regulated the old rituals for the enforcement of rights in such points as they thought fit, they did not describe their forms as a whole, but left their application to practice. Still more is this true of mancipation and the making of wills (Twelve Tables, 5, 3. 6, 1). In short the *lex* required *interpretatio*, which was the province of the *pontifices* and their successors, and for a time the magistrate having *iurisdictio* (the consuls and later their *collega* the praetor) was silenced. We enter upon a period of some 250 years during which the development of law was preponderantly juristic. There does not seem to have been much legislation, and the Edict, so far as it existed at all, must have been a small matter. It was also a period of development upon national lines, when the Romanism of Roman law struck deep roots.

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[1] Bruns-Lenel, *Holtzendorffs Enzykl*^{7}. 1, 345.

fifty years later took as his model in Cilicia. It was doubtless pure joy to repress the *publicani*, but he also allowed *autonomia* to the Greeks, and he propounded an *exceptio doli* which anticipated by a good few years, at least, that of the urban Edict. In him we see the conflict of the old civil law tradition with the new philosophical and rhetorical doctrines. If he came out on the wrong side in the *causa Curiana*[1], it was a mistake with which any lawyer will sympathize. His utterance on the *bonae fidei arbitria*[2] shows that his heart was in the right place, but it is balanced by his adherence to the old rule that land sold was not warranted free of servitudes unless expressed to be *optimus maximus*, and he seems to have been incapable of appreciating the natural reasonableness of partnership between a capitalist and a skilled man. Yet he was perhaps the first to hold that a borrower was responsible for negligent as well as intentional damage and that a right to sue in theft descended to the heir. What is most noteworthy is that he was the first to attempt a systematic treatment of the law: *ius civile primus constituit generatim in libros decem et octo redigendo* (Pomponius, *Dig.* 1, 2, 2, 41), a great advance on the *ordo legalis* of Aelius' work. Such treatment involved the use and definition of general concepts; we see Greek influence at work in his attention to ὅροι or *definitiones*, and to distinction by *genera* and *species*.

C. Aquilius Gallus appears to have been a lawyer of much the same stamp, but of a more purely practical bent; no literary work is attributed to him, and his remains are a product of practice. His greatest achievement was the introduction of a remedy for fraud. It is uncertain whether he was responsible for the defence (*exceptio doli*) as well as for the action for damages (*iudicium*); but the *exceptio* was an inevitable deduction from the *iudicium*, and this proved one of the most potent instruments in the modernization of the old law. Since he was never *praetor urbanus*, he must have proposed his *formulae de dolo malo* as jurisconsult, and since he was not an author, probably in a *responsum* or *responsa*. To the same origin must be ascribed the *stipulatio Aquiliana* (*Inst.* 3, 29, 2; *Dig.* 46, 4, 18, 1) and his precedent for institution as *heredes* or the disinheriting of certain *postumi* (*Dig.* 28, 2, 29 pr.; 28, 6, 33, 1). He was *iudex* in the *pro Quinctio*, where his decision is not certainly known, and in a scandalous case in which he seems to have pronounced void a promise based on immoral consideration. His equity is celebrated by Cicero (*pro Caecina*, 27, 78) in an eloquent passage.

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[1] See below, p. 870 *sq.*; Bremer, *op. cit.* 1, 49; J. Stroux, *Summum ius summa iniuria*, p. 29.

[2] Cicero, *de off.* III, 17, 70.

zation and regulation with a system of voluntary arbitration. It may be taken as proven that the *iudicium privatum* was based on an act of the parties, *litis contestatio*, which was a formal agreement to submit to a fellow-citizen, the *iudex*, an issue which the *litis contestatio* formulated and which was reached before the praetor (*in iure*), in early days by *legis actio*, in later times by informal proceedings culminating in a written *formula*. *Legis actio* or *formula* there could not be without the concurrence of the praetor, and the *iudex* only became seised of the case by the praetor's order (*iussum iudicandi*), but till the end of the classical period there was sufficient survival of the original idea of agreement to make it impossible to go to trial without the adhesion of both parties to the *litis contestatio*. However, the practical results to a defendant of refusing his adhesion were as bad as any that could follow from an unfavourable judgment. The characteristic feature is that they did not take the form of judgment by default.

The part of the praetor was thus to organize the issue and to empower the trial-authority, but there his functions ceased, unless and until the question of execution arose. He was incompetent to decide a suit between citizens. But it is plain that if he had power to deny to plaintiffs any forms of issue but those which seemed right to him, and to impose such issues, by indirect pressure, upon defendants, he could in effect alter the law. Such indeed was his power at the end of the Republic under the formulary system, but it is very doubtful if he exercised anything like it under the *legis actiones*. Here we are reduced to guess-work, based chiefly on our imperfect knowledge of the *legis actio sacramenti*.

The *legis actiones* seem to have been rites in which stereotyped acts and utterances were assigned to praetor and parties by custom and jurisprudence. There were typical forms, the blanks in which had been filled up to suit the various causes of action. If the typical form were not observed, one may suppose that the praetor could stop the case; if he did not, the question of nullity of *litis contestatio* would be for the *iudex*. But if within a typical form an unprecedented cause of action was stated, *i.e.* if plaintiff departed from the recognized list of *legis actiones*, then the question of law —was there a *meum esse ex iure Quiritium* or an *oportere*?—would seem to have been for the *iudex*, guided by the *prudentes*, not for the praetor. Thus Gaius (4, 11) tells us of a suitor who lost his case because he claimed for *vites succisae* instead of keeping to the statutory *arbores succisae*. The *responsum* laying this down must have been made when the case had reached the *iudex*, because if the case had been stopped *in iure* before *litis contestatio*, the plaintiff might have amended his claim, whereas we read that he had lost it (*rem perdidisse*).

According to this account, admittedly highly conjectural, the most that the praetor could do was to connive at changes in the *ius civile* accepted by *iudices* on the authority of the juristic *interpretatio*. There seems to be no room for *ius praetorium*, a conclusion which harmonizes with the fact that Aelius' *Tripertita*, which summed up the law as it stood at the very end of this period, contained besides the *lex* and the *legis actiones* only the *interpretatio*, which was pure civil law, pre-eminently *ius civile*. Further, if the praetor had been free to make *ius praetorium*, what would have been the certainty of law and wherein would have been the abolition of magistratual caprice which were the prime objects of the Twelve Tables? Why should the *actiones* have been qualified as *legis*, and why in order to overcome the literal adherence of jurisprudence to *lex* was it necessary to pass the Lex Aebutia, which sent suitors to find their causes of action formulated in the Edict?

The objections to the view put forward are nevertheless weighty. Apart from special arguments, with which we cannot deal here, consisting in signs of pre-Aebutian praetorian activity, there are important general considerations. The humble position assigned to the consuls and later to the praetor is difficult to accept, while the supposed contrast between the magistrate's position before and after the Lex Aebutia makes that law contradict the whole course of constitutional development. The Lex Aebutia, in fact, figures much more prominently in modern books than in the ancient texts. And further, if any development of law by way of *ius praetorium* is necessarily after the Lex Aebutia, which it is common ground cannot be earlier than the *Tripertita* and was possibly not before 150 B.C., certain institutions, notably the *bonae fidei iudicia*, which are plausibly accounted for as receptions from praetorian into civil law, are made impossibly late. The *bonae fidei iudicia* were civil by the time of Q. Mucius Scaevola, the *pontifex maximus*[1], so that we have to suppose that they did not exist in any shape till at the earliest 200 B.C., and had in the course of at most a hundred and perhaps less than fifty years passed from being praetorian to civil, without a trace being left of their originally praetorian character. These and other arguments have led writers of the highest authority to maintain pre-Aebutian *ius praetorium*, and even praetorian use of the formulary procedure between *cives*.

Upon so fundamental a question it is necessary to take up some position. The present writer believes that during the prime of the *legis actiones* the praetor was powerless to give effect to new causes of action, but that the Lex Aebutia must have been preceded by a period in which the old system was strained to breaking-point by the advent of radically altered conditions, and the demand for some mitigation of the excessive adherence to *lex* became irresistible. The possibilities of expansion by tendencious interpretation on the lines shortly to be mentioned must by this time have been pretty well exhausted, and the old *ius civile* was ready to crystallize in the definitive work of Sextus Aelius. Legislation was not out of the question, as the Lex Aquilia shows, and probably some at least of the procedural statutes cited by Gaius belong to the period of dissatisfaction with the old system. Ultimately it was a procedural statute, the Lex Aebutia, which saved the situation. But before this reform it is probable that expedients of all sorts were attempted—partial reforms, botching and patchwork. It was undoubtedly time for the dormant powers of the *imperium* to wake up, and there may well have been some sprouting of what would afterwards have been called *ius praetorium*. It is worth considering for a moment how much the praetor may have done without actually infringing the civil law.

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[1] Cicero, *de off.* III, 17, 70.

The case for his power to put pressure on a plaintiff by simply refusing to concur in the *legis actio* does not rest on the slight and equivocal evidence of pre-Aebutian *denegatio actionis*, but on incontrovertible *a priori* grounds. The limit on his power so to act can at any time only have been political, and with public opinion behind him he may have used it freely. The same is true of *missio in possessionem* or other administrative methods of coercing a defendant. By *denegatio* of the traditional remedy the praetor might oblige a plaintiff to adopt a new one or forgo his right, and by *missio* a defendant to accept it. In this way he may, without creating a praetorian action, have compelled parties to go to arbitration instead of to *legis actio*. For such compulsion he may often have had moral justification in the terms of their agreement: the forms of contract recommended by Cato for sales of produce or placing of work contain clauses referring questions of damage to *boni viri arbitratus*. A constant practice of reference to arbitration under the compulsion of the praetor or of heavy penalties provided by contract may have developed standards of contractual obligation which were ripe for recognition as new civil law when the Lex Aebutia was passed. Another possibility is suggested by the appearance, probably in this period, of *sponsio praeiudicialis*. It is that if the praetor could thus compel parties to alter their civil law position, though only to a nominal extent, as a procedural convenience, he may have been able also, in the interests of equity, to insist on substantial stipulations of the same nature as the compulsory praetorian stipulations of later practice. It is useless to pile hypothesis on hypothesis. Our point is that before the Lex Aebutia made possible the frank creation of praetorian law, the praetor, once he had public opinion behind him, was far from helpless. Nevertheless we believe that the Twelve Tables were followed by a long period during which the development of law necessarily took the form of *interpretatio* of *lex*. The civil law that was thus gradually formed when the *legis actiones* were in their prime ultimately, like all law, lost its power of expansion, but up to a certain point it proved capable of sufficient adjustment to the changing needs of a society which, although conservative, was by no means stationary.

Within the limits of *lex* and *legis actio* there was for a time room for development by custom and jurisprudence[1]. Thus, the formulation of a claim of inheritance (*hereditatis petitio*) was fixed, but this would not prevent the jurists from varying their answer to the questions who was *heres* and what was included in a *hereditas*. Or again, if one sued *de glande legenda* or *de tigno iuncto*, the *iudex* might be guided by a *responsum* to broaden the interpretation of *glans* or *tignum*[2]. The one change that could not be made was to alter the statutory *wording* of the *legis actio*. It is unnecessary to labour this point, because Ihering has shown once for all that the old *interpretatio*, under a parade of literalness, was extremely tendencious. When we find literalness carried *ad absurdum*, we ought to seek for a motive which might render the result arrived at desirable, as when it is deduced from Twelve Tables, 5, 4 that only the nearest agnate could succeed as *legitimus heres*, so that if he failed to succeed the next nearest had no title. But the recognition of the fictitious character of interpretation came later; and so long as the fiction obtained, the letter of the *lex* was a real limitation. The *lex xii tabularum* was, however, in certain respects a liberal *lex*, which did not condescend to undue particularity. Two clauses especially, *uti legassit* (5, 3) and *ubi nexum faciet* (6, 1), left the *paterfamilias* to make his own *ius*. His word was to be law, but again what he had once said became matter for strict interpretation. Hence, if he were wise, he would follow the formulary recommended as suiting his need by a jurist. The development of business formularies thus became a most important side of the jurist's craft. On this matter also it is only necessary to refer to Ihering[1].

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[1] R. von Ihering, *Geist des röm. Rechts*^{4}, II, pp. 441 *sqq*.

[2] Gaius, *Dig*. 50, 16, 236, 1; 50, 16, 62.

The achievements of the early school of interpretation are best known to us in those branches of the law which were still archaic in the time of Gaius, the law of the family and of inheritance, and to a smaller extent the law of property. A marked feature is the abuse of institutions, well-known examples of which are the exploitation of the rule of three sales (Twelve Tables 4, 2) for the purposes of adoption and emancipation, the conversion of *coemptio* to non-matrimonial uses, the employment of *mancipatio* as form of conveyance outside sale. The extreme case is the *testamentum per aes et libram*. These topics have long been exhausted. It is more to our purpose to examine shortly certain institutions which formed within the civil law itself the starting-point of the law of the future.

V. THE BEGINNINGS OF FREER LAW IN THE NATIONAL PERIOD

The free marriage, which did not subject the wife to the husband, but left her in her existing *patria potestas* or *tutela*, is found as early as Ennius and Cato as an accepted institution. But a patriarchal family system of the extreme Roman type presupposes the subjection of the wife, in other words *manus*-marriage, and it is a paradox that the free marriage should, as it did, have placed the children *in patria potestate*. The predominant and typical primitive Roman marriage was therefore *manus*-marriage, and the diffusion of free marriage must be in some sense an innovation. But a pure innovation of such gravity in the most conservative branch of the law is unthinkable in these early times, and there is reason to believe that free marriage had roots stretching as far back as *manus*-marriage. Precise statement of its legal position at the time of the Twelve Tables is impossible: we only know of the decemviral provision enabling a woman married without *manus* to avoid falling into it by *usus* if she absented herself for three nights in each year (Twelve Tables 6, 4). One can hardly avoid the conclusion that *usus* was intended to operate between persons who were considered already man and wife, but who for their part had not cared to use *confarreatio* or *coemptio*, and might prefer to avoid *manus* altogether. Evidence has been given elsewhere of a considerable mingling of races in early Rome (vol. VII, chaps. XI, XII); if there were people who disposed of their dead otherwise than the majority, there may equally well have been some who had a different conception of marriage. The ease with which the free marriage became fully recognized is in sharp contrast to the slow and laborious progress of the emancipation of women from *tutela*, to the roundabout and very gradual substitution of *cognatio* for *agnatio* in intestate succession, and to the tenacity of the *patria potestas* itself. The contrast would be explained if in this one case of marriage the Twelve Tables left open a chink, however small, in the armour of patriarchalism. No words need be wasted in expatiating on the momentous character of this development.

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[1] *Op. cit.* II, pp. 300, 470, 577 *sqq*.

In classical times land in Italy and certain easements, slaves and beasts of draught and burden (*res mancipi*), could be fully conveyed only by either *mancipatio* or surrender in court (*in iure cessio*). To other property (*res nec mancipi*) *mancipatio* was inapplicable, and though *res nec mancipi* might be ceded *in iure*, their normal conveyance was by simple delivery (*traditio*). But how were *res nec mancipi* alienated in primitive law? Great objection has been felt to allowing that *dominium ex iure Quiritium* in them could be passed by informal *traditio* in the days of primitive formalism. Conveyance by *in iure cessio* is a theoretical solution, but not practical. Hence it has been held that ownership of *res nec mancipi* was not originally *dominium ex iure Quiritium*, but a possessory relation transferable by mere delivery. But if so, the early real action, including *in iure cessio*, must have been confined to *res mancipi*, a limitation of which there is not the faintest trace. The simple way out is to put the postulate of formalism in proper perspective[1]. So long as uncoined copper remained the medium of exchange, sales of any kind of property must have been *per aes et libram*, though only those of the future *res mancipi* may have required a *libripens*, five witnesses and a customary ritual, and to such alienations alone certain subsidiary effects (*actio auctoritatis*, *de modo agri*) attached. Once counting coin took the place of weighing metal, the weighing was dropped where it was only a natural necessity, *i.e.* in the conveyance of *res nec mancipi*. But for *res mancipi* some legal requirement, probably statutory, saved the old ritual, which had the advantage of the subsidiary effects above mentioned. And sale fixed the general type of conveyance suitable for *res nec mancipi* as for *res mancipi*.

Nexum, the application of the ceremony *per aes et libram* to contract, disappeared early owing to the Lex Poetelia (? 326 B.C.).

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[1] K. Polenske, *Einführung in die Geschichte des röm. Privatrechts*, I, pp. 34 *sqq*.

It is often assumed that its place was taken by *mutuum*, but if, as seems probable, provision for interest was an integral part of a loan by *nexum*, this cannot have been so. The only obligation to which *mutuum* could give rise was to return an equal quantity of things similar in kind to those lent (for consumption) by informal delivery. It could not incorporate agreement for interest, which had to be secured by a distinct contract. *Mutuum*, in fact, though analysable as an informal contract, has another aspect: a man who will not repay a sum lent is keeping the lender out of his money, and in the view of Roman law is in the same position as a man who will not repay money paid to him by mistake or otherwise without just cause. The postulate of formalism can apply to such cases no more than to the commission of a delict. In short, *mutuum* is but an example, though perhaps the earliest, of a general principle formulated by later law, that one who has acquired another's property *non ex iusta causa* must make it good.

The contracts which came to the front after the departure of *nexum* and passed into the next period were *stipulatio* and *expensilatio*. Of the latter we must say nothing. The stipulation of classical law was a unique combination of the new and the old, being a formal *stricti iuris* contract, but except in one form (*sponsio*) *iuris gentium*: in other words, it had become applicable to *peregrini*, but its character had evidently been fixed in the early period. That it was in general use in its presumably oldest form, *sponsio*, at the time of the Twelve Tables is very unlikely, since it is not mentioned by them. The form was in all probability originally an oath, and Mitteis[1] may be said to have established that its original function was guarantee and that it developed by way of self-guarantee into an abstract form of contract. He suggests that its original sphere of application was procedural. But, accepting this latter hypothesis or not, one cannot say how and when the evolution took place; there is no trace of confinement to the procedural sphere in the early Lex Publilia (Gaius 3, 127; 4, 22). Other unanswerable questions are whether the clearly ancient *fidepromissio* was an alternative form from the beginning, whether the fact that later this form was open to *peregrini* indicates early recognition of a common Italian form of engagement, how soon and in what sense such recognition occurred, and how soon other forms became valid, so that the two older forms became merely special cases of *stipulatio*. The second chapter of the Lex Aquilia (? 287 B.C.) does not appear to be confined to *sponsio* and *fidepromissio*. These two forms had in the time of Gaius, in what we have accepted as their earliest function, guarantee, the peculiarity of not binding the heirs of the promissor, from which it may be inferred, but against other evidence, that contractual liabilities originally resembled delictual in not being hereditary.

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[1] *Z. d. Sav.-Stift.*, *Rom. Abt.*, XXII, 1901, p. 97; *Festschr. f. Bekker*, p. 110; *Röm. Privatrecht*, I, p. 266; P. F. Girard, *Manuel élém. de droit romain*⁸, pp. 515 *sqq*.

The early history of Roman contract is thus very obscure, but at any rate it is clear that the Romans possessed from a comparatively remote date a general form for binding any sort of promise. Even if *stipulatio* was confined by the nature of early remedies to promises of *certa pecunia* and *certa res*, one could stipulate for a pecuniary *poena* conditionally upon a non-performance of any kind, for unlike other civil law *negotia* stipulation could be conditional. Thus if the economic development at a given date requires the existence of a contract of sale, it does not follow that this must have been the classical consensual contract, because essential needs may have been met, though less conveniently, by two stipulations. Undoubtedly stipulation offered a fair field for the development of a general theory of contract, and the precedents of stipulation (*e.g. Manilii actiones*) settled by jurisprudence for different economic purposes fixed the main categories of contracts and the natural obligations of the parties. Thus the *stipulatio duplae* and the *stipulatio dotis*, doubtless elaborated in our period, eventually engendered implied common law obligations of a seller and of a receiver of *dos*, just as the practice of English conveyancers has in various cases been adopted by the general law.

The essential doctrines of contractual obligation may well have been settled in outline before the beginning of the last century of the Republic, but it is otherwise with the law of delict. The very fact that the Twelve Tables, silent on contracts, were rich in the regulation of delicts, provoked an early *interpretatio* which, in spite of statutory (Lex Aquilia) and praetorian (*iniuria*) reforms, stereotyped ideas and rules only to be explained as survivals of a primitive system of vengeance. The law built up later on these foundations is a triumph of juristic construction, but we cannot be blind to the imperfection of even the final result. The most satisfactory achievement is the developed law of personal injury (*iniuria*), precisely the delict which was reformed most completely and at a comparatively late date, the delict also in which the principle of retribution was most justifiable. The two wrongs (*furtum manifestum* and *membrum ruptum*) for which the Decemvirs did not ordain pecuniary composition of the right of vengeance were also ultimately dealt with by praetorian actions, but it is likely that long before the days of *ius praetorium* practice made the acceptance of composition compulsory. Composition was the primitive conception of the pecuniary penalties given in other cases by the *lex*, and the persistence of this conception is the best explanation of the survival of rules based on vengeance (non-descent of liability, noxal actions, etc.). Indeed the classification of rights of action *ex delicto* as obligations, that is as pecuniary elements in the *patrimonium*, is probably late, perhaps not earlier than the second century A.D.[1] The theory of obligations was based on contract, and its application to delict was never satisfactory.

VI. THE LEX AEBUTIA. *IUS PRAETORIUM*

The general conditions of the legal movement during the last century and a half of the Republic are the intellectual and moral, social, economic and political changes resulting from the victory over Carthage and intimate contact with the Hellenistic East (see above, vol. VIII, chaps. XII–XIV). What must be emphasized here at the outset is that the legal movement, in spite of its radical nature, was controlled by the national jurisprudence. There was no break in the juristic tradition, and Q. Mucius is the true heir of Sextus Aelius. As we have tried to show, the old *ius civile* had been by no means stationary; under the guise of literal interpretation the function of jurisprudence had always been to adapt the law to changing needs. But the change in conditions with which it was confronted in the second century amounted almost to a revolution, and demanded a rapidity of legal evolution, a reception and digestion of new customs, which might well have proved beyond the capacity of jurisprudence, even if armed with a new method. The solution was found in the Lex Aebutia. This was a half-hearted reform, for it seems to have made the formulary procedure, already known outside the *ius civile*[2], merely an alternative to the *legis actiones*, which were not abolished till the Lex Julia de iudiciis privatis of Augustus. The *ius civile* was not assaulted frontally, but, almost unintentionally perhaps, its position was turned. In itself the substitution of issues based on *formula* for issues based on *legis actio* was merely a change from one form to another. The principle of formalism still lived in the *formula*; it was strict pleading, which the *iudex* was bound to observe most literally. If all that the Lex Aebutia had meant was the conversion of, say, the spoken *aio te mihi dare oportere* into the written *si paret Numerium Negidium Aulo Agerio dare oportere*, the change would have been merely from a difficult and perilous form to a simple one: the *iudex* must still decide on the *oportere* by strict civil law. More must have been intended than this; one would think that it was intended to give scope to more liberal ideas of causes of action and their content, and not merely to sanction an improved formulation of existing causes. The most obvious step in this direction was the granting of *formulae* for *arbitria bonae fidei*, an advance, as the writer thinks, already half-made by pre-Aebutian custom. These *formulae* appear never to have been praetorian; they left the question of *oportere* to the *iudex*, but with the qualification *ex fide bona*, which seems to have removed all scruples. The result of this act of faith in the progressiveness of *iudices* and responding jurists proved that they were only waiting for their opportunity to recognize the new custom as part of the civil law.

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[1] F. de Visscher, *Rev. hist. de droit français et étranger*, VII, 1928, p. 355.

[2] J. Partsch, *Die Schriftformel im röm. Provinzialprozesse*.

But on the assumption—a grave one—that the *iudex* was bound by the terms of whatever formula was incorporated in the *iussum iudicandi*, it was possible for the praetor to operate outside the *ius civile*, in a word, to create *ius praetorium*. On the positive side a *formula* might be granted leaving the *iudex* still a question of civil law, but with the modification that he must assume for fact what possibly was not fact (*formula ficticia*), or one withdrawing the law from him by ordering condemnation or absolution according as he found certain facts (*formula in factum concepta*). On the negative side the *formula*, while representing a good civil cause of action, might make condemnation conditional on the defendant failing to prove certain, from the civil point of view irrelevant, facts, the existence of which thus constituted a special defence (*exceptio*). By such action the praetor, though incapable of altering the civil law, except so far as *iudices* and jurists were willing to recognize new custom, could proceed to the development of new law, *ius praetorium*. We must not hesitate to regard his power in this respect as, from the point of view of substance, one of legislation, legally unlimited save by the general conditions of his office (*intercessio*, impeachment, Lex Cornelia 67 B.C., see p. 343).

The Edict was the praetor's annual announcement of his intentions in respect of his *officium iurisdictionis*. He therefore said not: *familiam habeto*, but: *bonorum possessionem dabo*, not *dupli poena esto*, but: *in duplum iudicium dabo*. But when praetor after praetor said the same thing, when a clause had become traditional, it was legislation. The final state of the Edict as codified by Salvius Julianus under Hadrian is well known, but the earlier history of incorporation of new clauses is largely unknown. All we can say in general is that by the end of the Republic the Edict had attained considerable size and fixity, and the body of new law resulting from it stood out as distinct from the *ius civile*. Cicero's remarks on it[1] are interesting as being the reflections of a cultivated layman, but technically the contrast between *ius civile* and *ius praetorium* was absolute. Receptions from one to the other were not unknown, but, though important, were exceptional. On a larger view the distinction was a needless technicality, like our own between law and equity, but its tentacles became so well set in the legal system that complete unification proved beyond the powers of even Justinian. As legal historians we have no reason to regret its survival, because otherwise we should have known much less of the successive strata of Roman law.

The power of virtual legislation which thus reinforced a jurisprudence which had grown antiquated was intimately in touch with practice. This is an important observation, because it means that the formulary system was almost as much in the hands of the jurists as the *legis actiones*. One may think that a prudent layman confronted with the task of *praetor urbanus* for a year only would be tempted simply to take over his predecessor's Edict, but the fact remains that praetors did innovate, and that early post-Aebutian praetors must have innovated a great deal. But no one who has studied the Edict can doubt that its real authors were professional jurists of the highest quality. The lawyers on the praetor's *consilium* certainly took a hand; they must at least have approved. But recent researches[2] into the formulary system have made us realize more fully the place occupied by the drawing of pleadings in the practice of the *prudentes*. The Edict showed the pleadings that would be allowed of course, and usually the jurist's business would be to select the appropriate *formula*, not necessarily an easy matter. But the praetor's powers were not exhausted by the Edict, so that if a suitable *formula* could not be found in it, it was for the jurist to consider whether he could not draft an original *formula* which he could support in his *responsum*. It was not the praetor's duty to draw up the pleadings. The plaintiff had to choose and give notice of his *formula*, and, though the praetor was more ready to help defendants, it was for the defendant to be ready with grounds for refusing the proposed *formula* or with any *exceptio* he wished to have inserted. Hence the jurists who assisted an incoming praetor to draw up his Edict must have found many suggestions in recent practice. The draft of some bold pleader would thus make its way into the Edict, provided the profession agreed *dandam actionem* or *exceptionem*. It is therefore now no longer a stumbling-block that Aquilius Gallus, the author of the *formulae de dolo*, was never *praetor urbanus*, and the temptation has vanished to endow Cascellius with that office against the evidence of Pomponius (*Dig.* 1, 2, 2, 45). The manipulation of the formulary system was work for which the tradition of the *ius civile* had eminently fitted the Roman lawyer.

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[1] II *in Verr.* I, 42, 109; *de inv.* II, 22, 67. More significant: *de legibus*, I, 5, 17.

[2] M. Wlassak, *Die klassische Prozessformel*, I.

The *ius praetorium*, *i.e.* those parts of the Edict which did not simply carry out, but amended, the civil law, whether by correction or addition, is an accumulation of reforms of detail, large and small, gradually made and touching every branch of the law, which could only be described in the course of a systematic treatment of the whole law; it cannot be summarized under large leading ideas. Reforms were provoked, one by one, by the experience of litigation, by the new demands created by new conditions. Amongst the latter was the freer conception of law prevailing in the last years of the Republic, making itself felt in proposals from authoritative practising jurists. A reform once made would itself become the object of *interpretatio*, as will be illustrated below from the history of the *exceptiones doli* and *pacti*. But the dominant considerations in the Edict were practical, not dogmatic, however much its reforms as a whole were, as might be expected, in harmony with the general trend of juristic thought. For example, it is reasonable to regard the *actio Publiciana* (Gaius 4, 36) as a manifestation of the general movement away from formalism, and thus to connect it with the *ius gentium*, but the *actio* is no part of the *ius gentium* and might well have been invented if the *ius gentium* had never been heard of.

Again, many an idea in the Edict is a loan from Greek law, but this is a point to be established in the individual case. A clear example, the only one we can mention here, is the replacement of the civil law of personal wrongs (*iniuria*) based on the Twelve Tables (8, 2–4) by the Edict *de iniuriis*. The law of the Decemvirs was so primitive that it must have been reformed sooner or later in the ordinary course of national development, but actually the definitive reform was by a praetorian reception of Greek law[1]. The defects of the early system were that the wrong of personal injury was conceived as purely physical and that, except in the case of *talio ni cum eo pacit* for *membrum ruptum*, it gave damages according to a tariff. The total result of the Edict was to give an action for assessable damages for any act falling under the concept ὕβρις. The widening and refining of the concept came gradually, as is shown by the historical succession of the edictal clauses, but the first and earliest introduces an *actio aestimatoria* which we know from the Alexandrian *Dikaiomata* to have existed in Hellenistic law. Its original applicability must have been to the recognized cases of corporeal *iniuria*; then it was extended by special clauses to offences against honour. From them Labeo (*Coll.* 2, 5, 1) was able to generalize: *iniuria* equals ὕβρις.

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[1] H. F. Hitzig, *Injuria*; J. Partsch, *Arch. Pap.* VI, p. 54; F. de Visscher, *Études de droit romain*, p. 327.

VII. THE *IUS GENTIUM*

Maiores aliud ius gentium, aliud ius civile esse voluerunt, writes Cicero[1]. *Maiores* must include the second-century jurists, and the distinction is not likely to be older than them. Probably they took the phrase *ius gentium* from popular speech; almost certainly it is national, and was not introduced by the Greek teachers of philosophy and rhetoric who from about the middle of the second century dominated Roman intellectual circles[2]. From Cicero onwards, however, it became so closely identified with the Greek doctrine of natural law that its original national meaning is hard to recover. In the popular use of the phrase, *gentium* probably meant the same as in the phrases *ubi*, *nusquam*, *minime gentium*[3], which occur as early as Plautus. 'The law of the world' is the sort of phrase the ordinary man of that age might coin to designate a felt antithesis to national law. The reason of the jurists for appropriating the distinction must, one would think, have been practical; there is no ground for attributing to the second century the ornamental use of it which we find in the classical age. Thus no light is thrown on the original meaning of *ius gentium* by compiling a list of the institutions which under the influence of the doctrine of natural law one or other classical writer declares to be *iuris gentium*; this in its speculative sense might be predicated of any piece of Roman law not greatly encumbered with national technicality. But there are a few classical passages in which the statement bears a practical meaning, namely that the institution in question will be applied in a Roman court to *peregrini*. Here, if anywhere in later literature, must be the clue to the original meaning.

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[1] *de off.* III, 17, 69. H. Nettleship, J. P. XIII, 1885, p. 169 (= *Contributions to Latin Lexicography*, p. 500).

[2] What can be said in favour of Greek influence is to be found in Weiss, *PW.*, *s.v. Ius gentium*, col. 1218. But Nettleship's view seems preferable.

[3] The observation is due to E. C. Clark, *Practical Jurisprudence*, p. 354. See now E. Schönbauer, *Z. d. Sav.-Stift.*, *Rom. Abt.*, XLIX, 1929, p. 388.

Ius gentium in this practical sense covers the law of contract and the informal methods of acquiring property (thus *traditio* as opposed to *mancipatio* and *in iure cessio*), in fact commercial law[1]. We have seen that some of these constituents were native civil law and older than the second century: thus *traditio*, *stipulatio* (with its release, *acceptilatio*) and *mutuum* (possibly with further applications of the *condictio non ex iusta causa*). The remaining constituents are the *bonae fidei* contracts, among which the real were not developed till after our period and are in any case unimportant, but the four consensual certainly formed part of the civil law at the end of the second century B.C. This is proved by the inclusion of the actions on sale, hire, mandate and *societas* in the list of *arbitria bonae fidei* to which Q. Mucius attributed *summa vis*[2]. How and at what date they got into the civil law are obscure questions which have already been discussed (p. 855 *sq.*). A custom seems somehow to have been formed in pre-Aebutian times which was strong enough to enable the earliest post-Aebutian Edicts to offer *formulae in ius conceptae*, which means that the praetors could presume that *iudices* would recognize an *oportere* in these cases, provided it were qualified as *ex fide bona*.

In spite of objections that have been made it is surely obvious that the practice of the *praetor peregrinus* must have been a powerful factor in the evolution both of this new custom of *bonae fidei* contracts and of the general conception *ius gentium*. A magistrate of the Roman Republic (for short the *praetor peregrinus*) when exercising jurisdiction over *peregrini* was, in default of provision by treaty, free to take such measures as seemed best to him. The principle of personality of law being absolute, the *ius civile* did not apply to *peregrini*, and the order of ideas which has produced our modern private international law did not exist to make it a duty to apply their own law[3]. It was inevitable that the *praetor peregrinus* should evolve a practice indistinguishable from law, and that it should reflect his national stock of legal ideas. Hence the fact that the *ius gentium* was not based on Greek law, but was a modernized Roman law, is not inconsistent with its having corresponded to the practice of the *praetor peregrinus*. Strong practical considerations would keep the commercial custom applied at Rome *inter peregrinos* and *inter cives et peregrinos* as close as possible to that applied *inter cives*, but it is not to be denied that if among the commercial classes of Rome there was from the beginning of the second century need of a modernized law, the *praetor peregrinus* was in a far better position than the pre-Aebutian *praetor urbanus* to satisfy it. *A priori* considerations are confirmed by the probability that the formulary procedure was known at Rome before the Lex Aebutia authorized it as between *cives*, and by the practical sense of *ius gentium*, which may well have been the early sense, though its known usage is much later.

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[1] The delicts have some claim to be included: Gaius, 4, 37.

[2] Cicero, *de off.* III, 17, 70.

[3] Schönbauer, *Z. d. Sav.-Stift.*, *Rom. Abt.*, XLIX, 1929, p. 395.

At any rate there is no doubt that by the beginning of the first century the civil law in both senses, that is of law *inter cives* and of law not resting merely on the Edict, had incorporated the essential constituents of the *ius gentium*. The main part of it was a law of contract, which might be improved by additions (the *bonae fidei* real and innominate contracts), but which only required further modernization in one of its members, the stipulation. This was a contract of the old *ius civile*, therefore, in spite of the simplicity and elasticity of its form, a formal contract; also a unilateral contract, which abstracted from the give and take of real business. The modernization of this contract, partly by a deeper juristic analysis and partly by means of praetorian *exceptiones* as interpreted, is the best illustration that can be given of the legal movement in the last years of the Republic. But for the moment the point to be insisted on is that substantially the whole of the institutions of the *ius gentium* and their union under that general concept were the product of native Roman jurisprudence, stimulated no doubt by the circumstances of the newly acquired empire. Their common characteristics, namely the rule of good faith, the determination of the effects of acts and facts in the law by the intention of the parties and not merely by the words used, formed an obvious antithesis to the formalism of the old civil law.

VIII. THE EFFECT OF GREEK THOUGHT ON JURISPRUDENCE

Forms being national and intention universal, the practical needs of an empire must in any case have given over the future to the *ius gentium*, but the same period which saw the consolidation of the *ius gentium* saw also the beginning of the reign of Greek thought at Rome. An inevitable result was the identification of the national antithesis of *ius civile* and *ius gentium* with that of νομικὸν δίκαιον and φυσικόν (τὸ πανταχοῦ τὴν αὐτὴν ἔχον δύναμιν)[1]. Thus the Greek doctrine of natural law found its entry into Roman legal thought well prepared, but it was too speculative ever directly to produce much practical law. Naturally the philosophic basis which it furnished for the universality of the principles of the *ius gentium* served in all departments of the law as a strong support of rationalism against traditionalism, of ethical as opposed to strictly legal views. But the fact that no special school of philosophy is indicated by the ordinary expressions of the classical jurists on the subject of *ius naturale* shows that their philosophy was not very deep. The Stoic philosophy has figured largely in books about Roman law, and doubtless the ethical theory by which the republican jurists were most affected was that of the Stoa, made fashionable by the Scipionic circle. But there was nothing specially Stoic in the method of definition by *genera* and *species* introduced into legal literature by Q. Mucius, nor in the dialectic for using which Cicero praised Servius Sulpicius. The truth is that the jurists were not philosophers, but just educated men[2].

The direct source of Greek influence on Roman law was not philosophy but rhetoric, and he who would trace this influence to its ultimate sources must be competent to pronounce on the philosophical derivations of the rhetorical theory. The radical nature of the influence of rhetorical method of interpretation on the jurisprudence of the end of the Republic has been demonstrated, for the first time in convincing detail, by a recent monograph[3]. To put it shortly, the logical or equitable method of interpretation was largely substituted for the literal. But from an English lawyer's point of view the epithet 'equitable' is misleading. To adopt *voluntas* as the test of legal meaning instead of *verba* may be equitable in the general sense, but it is not equity in the English technical sense; it is a change of civil law. An English lawyer would find applications of Aristotle's definition of equity: ἐπανόρθωμα νόμου ᾗ ἐλλείπει διὰ τὸ καθόλου[4], in the *ius praetorium* rather than in the transformation of the legal method of interpretation. This last is the matter to be examined.

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[1] *Nic. Eth.* 1134 *b*, 18.

[2] W. W. Buckland, *Text-book of Roman Law*, pp. 53–4.

[3] Stroux, *Summum ius summa iniuria*. Cp. E. Cuq, *Manuel des institutions juridiques des romains*^{1}, pp. 40 *sqq.*; P. Jörs, *Geschichte und System des röm. Privatrechts*, pp. 58 *sqq.*

[4] *Nic. Eth.* 1137 *b*, 26: 'an amendment of the law, in those points where it fails through the generality of its language' (F. H. Peters' translation, ed. 7, p. 176).

Rhetoric professed to classify cases under general types (στάσεις, *status*), and to provide the advocate with the appropriate arguments on either side under each type. Among the questions arising under these *status* are questions of interpretation, whether of statute or of the expressions of parties, and here the oratorical programmes of ready-made arguments constitute a complete theory of interpretation, which Stroux has analysed from its presentment in Cicero's *De inventione* (II, 40, 116 *sq.*), a work based on Greek models. The most important debate is that between *scriptum* or *verba* and *voluntas* or *sententia*. We find that every possible argument *pro* and *contra* on the question of grammatical or literal versus logical or equitable interpretation had been exhausted by the rhetorical method in which the youth of Rome was being trained. It is impossible that their education in this fundamental problem of jurisprudence should have had any but a very considerable effect on advocates, jurists and judges. The impression to be derived from Cicero is that of a sweeping victory for the equitable method, a final defeat for the *callida interpretatio* attacked by him in the *pro Murena* and the *pro Caecina*; but after all it was the jurists, Mucius, Aquilius and Servius, who had the last word. The arguments in favour of equitable interpretation (*voluntas*) were undoubtedly timely, in that they touched the weak spot of the traditional method of the civil law, its literalness (*verba*). But those in favour of *verba* have also a universal validity which was not likely to have been lost on lawyers. To speak of a complete victory would be, to say the least, an exaggeration, because that would mean that the jurists lost their heads and threw over their national jurisprudence for the *doctrina transmarina atque adventicia*[1]. A closer reading of Cicero shows that he was fully conscious that there were two sides to the question[2].

Still, an almost revolutionary reinforcement of the tendencies which had in a previous age produced a national development of the institutions of the *ius gentium*, and secured the enactment of the Lex Aebutia, must be admitted, and it must be attributed very largely to the rhetorical method. The exact nature of the victory was that the principle of equitable interpretation secured a firm foothold in the civil law itself: there is a notable example in the *causa Curiana*, a *cause célèbre* of the Sullan period, in which L. Licinius Crassus argued successfully against Q. Mucius

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[1] Cicero, *de orat.* III, 33, 135.

[2] *De orat.* I, 44, 197; 3, 33, 133–5; *pro Caecina*, 24, 67–9; 25, 70. Cf. [Quintilian] *Decl.* 264.

Scaevola that, where a testator had appointed an expected posthumous son his *heres*, and had provided a successor to him in the event of his dying before puberty, effect must be given to his obvious intention in the event which happened, but had not been expressly provided for, of no posthumous son being born; and the arguments on both sides were derived from rhetoric[1]. That was an important precedent, but, though *in medio iure civili*, a centumviral precedent. The Digest can be cited in favour of equitable interpretation, but also, though not equally, in favour of literal. A wholesale and immediate abandonment of formalism and of the accepted interpretations of traditional formularies could only have been effected by legislation, and such may have been the intention of Caesar's project of codification. But what actually happened was that, the unconscious equity obtainable by literal interpretation having been exhausted, its place was taken by a conscious equity based on *voluntas*, which produced a gradual reform, proceeding from case to case and from institution to institution, the final results of which were not obtained till long after our period. There is weight in the fact that Cicero's judgments of the three greatest jurists of his time lay special stress on their justice and equity, but they remained lawyers.

There are limits, however, to the reforms that can be effected by change of doctrine even in so vital a point as the theory of interpretation. The modernization of Roman law could not have been accomplished, as accomplished it was, by practice, if practice had not disposed of the Edict as an engine of reform. The Edict enabled practice to respect tradition, to leave the civil law formally untouched, and yet to set it aside. In this respect, though they are quite different in technique, praetorian law and English Equity present a striking resemblance.

The modernization of the stipulation by the combined operation of the new doctrines and the *ius praetorium* is the best illustration of the movement begun in our period, although the developments about to be mentioned fall largely within the imperial period. The ambiguous position of this contract must be recalled: a formal contract which was nevertheless *iuris gentium*. That last character it doubtless owed to the simplicity and rationality of its form, which is really the ultimate analysis of a promise. But in spite of its simplicity, the form remained a form. It was necessary that the question and answer should be exchanged orally *inter praesentes*. It is most significant that as late as Gaius we have no hint that the oral solemnity, attenuated as it then was, could be replaced by writing. The use of sealed evidentiary documents was, indeed, a republican practice not only in stipulations, but in wills and mancipations; no doubt in business transactions generally *cavere* spelt *scribere*. But, in contrast to Hellenistic practice, such documents remained mere evidence, creating a strong presumption that the oral solemnity had in fact taken place, but displaceable by sufficient evidence to the contrary. This is proof positive that, in contrast to the all-pervading influence of Greek speculation, the adoption of practical Greek law, where it took place, was an act of choice, not one of obedience to an irresistible tendency.

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[1] Stroux, *op. cit.* pp. 29 *sqq.*; cf. Girard, *op. cit.*, p. 883, 1.

The formalism of the stipulation meant more than that a certain solemnity must be observed. It meant also that the promissor was bound strictly to what was said and to that only. He might have promised more than he intended, or less than what the parties manifestly meant: he was bound *verbis*, not *sententia* or *voluntate*. It was not until the jurists had analysed stipulation as a form embodying *consensus*, and to which *consensus* was essential, that any attention could be given to intention as such. We have no evidence of such an analysis before the beginning of the Empire, but in course of time it was held that essential mistake nullified a stipulation *ab initio*. That, however, was far short of substituting the presumable intention for the expression. In the interpretation of stipulations the Romans held fast to *strictum ius*, that is to the exact meanings attributed to words by tradition. One can only applaud their wisdom. But the case was different where some hoary technicality prevented effect being given to words actually used. Thus if a man promised by stipulation to advance another a certain sum up to a certain date (*i.e.* if requested on or before that date), the resulting obligation at civil law was perpetual, but *iure praetorio* effect was given to the void words. If the stipulator sued disregarding them, he would be met by the *exceptio pacti*. A simpler application of the same *exceptio* was where the stipulator had made an informal pact, devoid of civil effect, not to sue (Gaius 4, 116 *b*). This may well have been the original case under the *exceptio*; the pact in our previous case exists only by construction of law.

The formalism of stipulation also meant that the promise and the resulting obligation were isolated from the surrounding circumstances. Thus, if a promise had been obtained by fraud, the promissor was none the less bound at civil law. Crude cases of this kind were probably the occasion of the introduction of the *formulae de dolo* on the proposal of Aquilius Gallus, but the *exceptio doli* was interpreted to cover cases where the sharp practice of the plaintiff arose out of events subsequent to the stipulation. Thus, if a promise had been made in view of some counter-performance not mentioned in it, and that counter-performance was withheld, the promise was absolutely binding at civil law, but its enforcement could be resisted by the *exceptio doli* (Gaius 4, 116 *a*). The result was that stipulation became a causal instead of an abstract contract. A very real defect was thus at least partially cured.

It is not likely that the more refined applications of the *exceptiones*, first devised to meet gross bad faith, can be attributed to our period, but it can claim the credit of having founded the principle that inequitable claims, however well grounded at civil law, must be defeated: *saepe enim accidit ut quis iure civili teneatur, sed iniquum sit eum iudicio condemnari* (Gaius 4, 116).

IX. CRIMINAL LAW

Criminal law falls under the general concept of *ius*, but in paying comparatively little attention to it modern civilians do but follow the tradition, at any rate up to a comparatively late period, of Roman jurisprudence. The jurists elaborated their system of private law as a thing apart from public; the scientific treatment of criminal law hardly dates from before Hadrian, and was never carried to the same perfection as that of private law. This in spite of the fact that the Twelve Tables made no distinction between the two. We find there, along with the private law, a number of cases in which the death penalty is ordained as a public punishment in the sense that there is no sign that it represents a legalization of private revenge, or anything but the direct repression by the community of acts done to its prejudice. But private law was segregated at least as early as 366 B.C., when *iudicia privata* were assigned to a special magistrate, the *praetor*, who had nothing to do with criminal cases; indeed the seeds of separation had been sown even earlier, if we may trust the tradition which attributes to the first days of the Republic the declaration of the citizen's right *provocare ad populum* from the death-sentence of a magistrate (see vol. VII, pp. 445 *sqq.*).

The problem of fettering the *imperium* of the magistrates, which in the sphere of private law did not arise owing to the peculiar form taken by the *iudicium privatum* (above p. 853 *sq.*), appears in the criminal sphere as the fundamental point in the establishment of the rule of law. It was dealt with by the clumsy method, just referred to, of *provocatio* from death-sentences. For death was the one criminal punishment of primitive Rome; mutilation was unknown, scourging of citizens occurs only as part of the capital penalty, confiscation appears only incidentally, exile and lesser political penalties are a later phenomenon, and imprisonment is met with only as an occasional administrative expedient[1]. Fines, it is true, soon made their appearance, but at an early date they too, if above a certain maximum, were subjected to *provocatio*.

The result of *provocatio* was thus to make one or other of the assemblies the criminal court in all graver cases. The proceedings there (*iudicium populi*) were formally a petition for remission of the sentence pronounced by the magistrate after public *anquisitio*. But in substance the magistrate, after having convicted and sentenced upon such grounds as seemed good to him, was obliged, in order to give effect to his sentence, to assume the position of prosecutor before the people. Probably for this reason among others criminal jurisdiction under the Republic was not exercised by the consuls, but by minor magistrates, quaestors, aediles, duumvirs and tribunes. Now under such a system it is evident that only a rudimentary jurisprudence would be possible, though the native Roman legal sense established the elementary principles of publicity of proceedings, notice to the accused, and facilities for defence. The only traces of literary treatment of criminal law under the Republic are manuals for the conduct of magistracies; the subject fell outside the admirable institution of *responsa*.

Nevertheless, save in exceptional cases (above, pp. 304 *sqq.*), the *iudicia populi* seem to have worked tolerably till the last century of the Republic. Apart from their defects in cases bearing or capable of being given a political colour, their vice seems to have lain in the slackness engendered by the magistrates being obliged to weigh the chances of a tribunician *intercessio* or of a rebuff from the assembly, instead of considering simply the maintenance of law and order. There is no reason to suppose that in the best period of the Republic common criminals were frequently rescued by a tribune, or that the assemblies did not ordinarily confirm sentences pronounced by the magistrates in accordance with law and custom.

But by the beginning of the last century of the Republic another undesirable feature had appeared. Polybius (VI, 14, 7) tells us that in a capital trial the accused was free, until the last vote had been cast, 'to depart openly, sentencing himself to voluntary exile; and the banished man will be safe if he retires to Tibur, Praeneste, or Neapolis, or any other state with which Rome has a sworn treaty.'

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[1] Mommsen, *Röm. Strafrecht*, *p.* 42 n. 1; E. Levy, *Die röm. Kapitalstrafe*, Heid. S.B. 1930–1, Abh. 5, p. 17, n. 4.

The custom (ἔθος) was indeed already even more lax: self-exile seems to have been allowed in practice even after condemnation, and before the end of the second century the custom was confirmed by statutes[1]. What this means is that the preliminary arrest of accused persons, which was well within the natural competence of the magistrates, had been abandoned, and that even the condemned were given a period of grace in which to exempt themselves from Roman jurisdiction by withdrawing from Roman soil and adopting another *civitas*. The magistrate's answer to such conduct was to procure from one or other of the popular assemblies a decree of interdiction from fire and water, which made the exile's return to Italy punishable by summary execution. We have thus to face the fact that a decadent public opinion had become opposed to the execution of citizens even for crimes so serious as treason and murder. Some authorities[2] hold that the mitigation did not extend to the common criminal, but the generality of Polybius' statement is confirmed by the later history of criminal penalties.

It must be borne in mind that the scope of the true criminal law, of the *iudicia populi*, was narrow: *provocatio* was confined to citizens, perhaps to male citizens; *peregrini*, slaves and perhaps women were subject to the unlimited *coercitio* of the magistrates. Of citizens themselves the majority were subject to the unlimited domestic discipline of the *paterfamilias*, as were of course slaves. Thus the less responsible elements of the population were sufficiently under control without recourse to the *iudicia populi*. And lastly the commonest offences of even independent male citizens were dealt with by civil, not criminal, penal law. Our English system of private rights of action for wrongs or torts is mainly compensatory, though it by no means lacks a penal element, but the Roman private delicts, as they came to be called, were essentially rights to sue for a money penalty in lieu of vengeance; compensation of the injury was only incidental, indeed in some cases might be recovered by independent action. Wrongs to another's physical person or honour, and unlawful appropriation of or damage to his property, these, which are the staple crimes, were not yet treated as such, but were visited with a pecuniary penalty recoverable by the injured party in a civil action, a penalty often much greater than the injury.

It should further be noted that, although theft of and damage to public property were punishable by *multa* exacted under the *coercitio* or by comitial proceedings, it might also be open to the magistrate to sue for the penalty provided for the protection of private property under the forms of private law, *i.e.* before the *praetor urbanus*. The private action was extended to the recovery of fines, in the strict sense, imposed by statute or edict, and frequent use was made in the later period of the device of allowing such actions to be brought by any citizen (*actio popularis*), his zeal as informer being stimulated by the prospect of pocketing the penalty recovered[1].

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[1] Sallust, *Cat.* 51, 22 and 40. Levy, *op. cit.* p. 19.

[2] Levy, *op. cit.* p. 19 n. 1.

But in the long run private law cannot be made to do the work of public. The common thief would not be likely to be able to pay double or quadruple the value of what he had stolen, though it must be admitted that if he failed to do so, he would be reduced to the unpleasant position of an *adiudicatus*, and again, that if he was *alieni iuris*, there might well be some substantial person behind him to answer in the noxal action. But the proof that the remedy became unsatisfactory lies in the fact that in the ordinary practice of the Empire the civil *actio furti* was displaced by criminal prosecution *extra ordinem*. Again, the reform of the private suit for *iniuria* mentioned above as having taken place in the last century of the Republic did not re-establish its adequacy as a remedy for all forms of that wrong, notably the more violent. Accordingly we shall find that certain cases of *iniuria* were brought by Sulla within the jurisdiction of one of his new courts, and under the Empire this delict also became subjected to criminal process *extra ordinem*.

A comprehensive reform was carried out by Sulla, following lines suggested by previous legislation from the Lex Calpurnia of 149 onwards. The Leges Corneliae[2], without constituting a criminal code, form a closely connected group. They defined each some offence or offences, and laid them open to prosecution, in general by any qualified citizen, before a court consisting of a large jury drawn from the upper classes and presided over (normally) by a praetor. From the sentence of these courts there was no appeal to the *comitia*, and the old procedure of the *iudicia populi*, though not formally abolished, was superseded in practice. The utilitarian and opportunist character of Roman legislation precludes the idea that the Leges Corneliae, or even the Lex Julia de iudiciis publicis of Augustus, amounted to a systematic code. There are common ideas running through them, but the constituting statute of each of the *quaestiones perpetuae*, as the new courts are called, fixed its own procedure, penalties and sphere of jurisdiction. As a whole Sulla's legislation amounted to a great reform. From the point of view of procedural theory it meant the substitution of the accusatory for the inquisitorial form, from that of substantive law a better definition of crimes and penalties, from the political a recognition of the breakdown of the popular assemblies on their judicial side.

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[1] Mommsen, *Die Popularklagen*, *Juristische Schriften*, III, p. 375. But see L. Wenger, *Institutionen des röm. Zivilprozessrechts*, p. 159 n. 27.

[2] On the Lex Calpurnia see vol. VIII, p. 375, and on the Leges Corneliae see above, pp. 304 *sqq*. The chief later Republican criminal statutes are: Lex Plautia de vi (?77), Lex Tullia ambitus (63), Lex Julia repetundarum (59), Lex Pompeia de parricidis (?55), Lex Licinia de sodaliciis (55), and various Leges Juliae more or less certainly attributed to Caesar's dictatorship, as to which see P. F. Girard, *Z. d. Sav.-Stift.*, *Rom. Abt.*, XXXIV, 1913, p. 295.

Mommsen regards the novelty of the new system as consisting essentially in the adoption by criminal law of the forms of civil procedure[1]. The office of accuser was taken away from the examining magistrate and thrown open to the volunteer private citizen; the commission of the decision to *iudices* resembles the fundamental institution of private procedure, except for the presidence of a magistrate; the definition of the charge by the constituting statute conferred on the *nominis receptio* by the magistrate a function analogous to that of *litis contestatio*. By a system of challenges the parties, as we may call them, were given a part in the selection of the *iudices*, though not so great as in an ordinary private suit. The accuser, it is true, was accorded, as representing the public interest, an exceptional right to compel the appearance of witnesses, which by an injustice more apparent than real was not extended to the accused. From the decision of the court, which was declared by its president, there was, as in private law, no appeal, the penalty was an automatic statutory deduction from it, the terms of the statute thus constituting a sort of *formula*.

Criticisms are obvious. The volunteer prosecutor was not necessarily actuated by public spirit; his motive might well be private revenge, or, since there might be substantial rewards for success, cupidity. Hence provision for a countercharge of *calumnia* or malicious prosecution is a feature of the Cornelian legislation; and there were corresponding precautions against collusive prosecution. Again, exactly by whom and how questions of law were decided does not appear. One thinks of the presiding magistrate, but his position in the course of the trial does not seem to have approached that of an English judge in a jury case.

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[1] H. F. Hitzig, *Die Herkunft des Schwurgerichts*, suggests imitation of Greek law. Cf. P. Koschaker, *Z. d. Sav.-Stift., Rom. Abt.*, L, 1930, pp. 679, 724.

Certainly the jury, whose size must have diminished the sense of individual responsibility, were neither protected by a law of evidence nor assisted by a judicial summing up, and had not the advantage even of mutual consultation before giving their verdict: the speeches and proofs of the parties having been concluded, they simply voted.

It has been the prevailing view[1] that *aquae et ignis interdictio*, in effect exile with loss of citizenship, was adopted by Sulla as a legal penalty, being the highest that could be placed within the competence of an inappellable *quaestio*. But recently it has been demonstrated[2] that his laws, as one would expect, preserved the old death-penalty, and that the appearance to the contrary is due simply to the continuance of the lax practice, now inveterate, described above. Not till the very end of the Republic does exile figure as a statutory penalty[3].

With all these reservations the new system marks a great advance on the old, and might well have formed the starting point of a jurisprudential and statutory development which would have put criminal law on a nearer level to private. But it came too late. Though, as reformed by Augustus and stiffened by the superior administration of the Empire, it survived for two centuries, and though evidence is not lacking in the Digest of developments by juristic interpretation and Senatusconsult, the *ordo iudiciorum publicorum*, as we may call it, was the most certain victim of the return to the principle of an absolute magistracy. Even if we leave out of account the abuses of State trials, the required extensions of the criminal law took more and more the form of *crimina extraordinaria*, which meant that offences were defined and punished at the discretion of a magistracy regulated in the last resort not by law, but by the administrative instructions of the supreme magistrate, under a procedure which, though it did not altogether shed the accusatory form, was in substance once more inquisitorial.

The mere list of the crimes for which *quaestiones* existed in Cicero's[4] day reveals the preponderating interest of the legislator in offences directly affecting the State: they are *maiestas*, which practically absorbed the oldest crime, *perduellio*, under a more elastic conception, *vis publica* or seditious violence, *ambitus*, covering besides bribery the organization of electoral clubs, the *crimen repetundarum*, which needs no comment here, *peculatus* and *sacrilegium*, and *corruptio iudicis*. The offences directly against individuals, to which we shall confine our attention, are murder (with connected offences), *iniuria* in the forms of assault and housebreaking, and *falsum*. Even here we have evidence that the prevalent evils were violence and brigandage.

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[1] Mommsen, *Röm. Strafrecht*, pp. 73, 201, 907, 941.

[2] Levy, *op. cit.* Substantially the view of J. L. Strachan-Davidson, *Problems of the Roman Criminal Law*, II, chaps. XV and XVI; but he does not altogether shake off Mommsen's influence.

[3] Levy, *op. cit.* pp. 30 *sqq.*: Lex Tullia de ambitu (63), Fufia de religione (61), Clodia (58), Leges Caesaris de maiestate (46), Pedia (43).

[4] *Plagium* and the Lex Fabia are here omitted, because of the highly uncertain date of that law, and because Mommsen, *Strafrecht*, p. 780 hardly bears out what is implied on p. 203.

The submission of certain forms of *iniuria* to a *quaestio* is deceptive; they were not thereby constituted public crimes in the full sense, for the charge could only be brought by the injured party, and condemnation, as in the civil action, was in a sum of money payable to him. The purpose of this Lex Cornelia may be conjectured to have been an acceleration and aggravation of the remedy. Though the procedure resembled that of a criminal prosecution, it was under the direction of the *praetor urbanus* or his substitute. As already stated, true criminal process was applied to this offence under the Empire.

For murder there appears to have been a standing *quaestio* established before Sulla. The crimes dealt with by the Lex Cornelia de sicariis et veneficis[1] were various: not merely murder, but also going about within the first milestone of Rome armed for the purpose of murder or robbery; not merely the murderous administration of poison, but also its manufacture, sale, purchase or keeping; corruption against the accused in a capital charge; giving false witness against the accused in such a case; arson[2]. These diverse categories can be resumed under the general idea of the protection of life, but Mommsen holds the real cause of their conjunction to have been the ancient practice of referring all capital charges other than *perduellio* to the *quaestores parricidii*. The frequency of the crimes coming under this statute led naturally to the constitution of additional courts presided over by quasi-magistrates, and the work may have been divided according to the categories of crime.

There seems to be no ground for holding[3] that murder of near relatives, *parricidium*, was, at least till the Lex Cornelia, reserved to the old comitial procedure, nor that the Lex Cornelia expressly saved the *poena cullei*, which was reduced to the normal banishment by a Lex Pompeia de parricidis (? 55 B.C.). The evidence rather is that *parricidium* came under the *quaestio*-procedure along with other murders, and that the death-penalty, had it been exacted, would have been carried out *more maiorum*[1].

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[1] The original title seems to have been *inter sicarios et de veneficiis*.

[2] Later extensions to magic, procuring abortion, castration and the like.

[3] Mommsen, *Röm. Strafrecht*, pp. 643 *sqq.*; E. Costa, *Cicerone Giureconsulto*, II, pp. 123–4.

It is certain that the statute dealt only with homicide committed *dolo*, not with that resulting from negligence, *i.e.* with murder, not manslaughter. This is in accord with a general principle running through the criminal law, as is the punishment of accomplices equally with principals. But it is doubtful whether the punishment of attempts and preparatory acts was not a peculiarity of this statute: *in lege Cornelia dolus pro facto accipitur* (*Dig.* 48, 8, 7). The more usually held view is that this was a general principle of criminal law already established in Cicero's time, in admitted opposition to the rule in private delicts. Another view is that the criminal principle is a generalization made only under Hadrian from the Lex Cornelia de sicariis[2].

The remaining statute to be mentioned is that later known as the Lex Cornelia de falsis, originally as the Lex Cornelia testamentaria nummaria. It was a characteristically casuistic enactment, dealing with specific forms of dishonesty: forging of a false or tampering with a genuine testament, putting false metal in circulation, and various offences against the public coinage, not however the several heads of corruption in litigation later included under *falsum*. The statute indeed received some notable extensions under the Empire, but no comprehensive conception of *falsum* was evolved. *Falsum* simply meant any charge that could be brought under this Lex Cornelia and its extensions, but the list of such charges, as befitted criminal law, was definite; prosecution for *falsum* had not the elasticity of the civil *actio doli*, and hence later law gave birth to the complementary semi-public *actio stellionatus*. This Lex Cornelia, at any rate, punished only the consummated crime.

It may have been noticed that we have said nothing of sexual offences, not even of incest, which last may have fallen within the scope of *iudicium populi* in early times. It seems that the criminal law of the later Republic took no account of these matters, apart from measures repressing *lenones* and a Lex Scantinia of uncertain date punishing paederasty. The point of view in sexual matters was that a Roman woman was bound to respect her unmarried or married state, but that the Roman man was only bound to respect these her duties, so that he could only offend as her partner in wrong. Over women the domestic tribunal was capable of exercising a severe control; moreover, a guilty wife might be made to suffer in respect of her *dos*. This seems to have been found sufficient, though it is obvious that, apart from the *actio iniuriarum* and the possibility of justifiable or excusable self-redress, the man might easily escape any punishment. The great reform in this sphere came from the Lex Julia de adulteriis of Augustus.

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[1] Levy, *op. cit.* p. 28.

[2] Costa, *op. cit.* II, p. 69 n. 4.

APPENDIX

THE LITERARY AUTHORITIES FOR ROMAN HISTORY, 133–44 B.C.[1]

The object of this note is to provide a clue to the extant literary authorities on which our knowledge of Roman history during this period depends, and also to give some rough indication of the nature and value of the matter which these various works enshrine. It does not set out to do more than this, and it is to be understood that there are many questions on the relation of these writers to each other which are still topics of controversy. Reference is made in the several Bibliographies to the epigraphic and numismatic material, which is of the first importance.

As a necessary preliminary to an account, however brief, of the authorities whose writings survive, something must be said of the records left by writers contemporary with the events they describe which we may reasonably assume to have been available for consultation during the whole or part of later antiquity. Raw material for the historian was to be found in the speeches and memoirs of leading men, several of whom, like Sulla, are known to have left behind them something in the nature of an autobiography. Direct use, however, of such documents as these seems rarely, if ever, to have been made in post-Republican times, and their influence on the majority of the surviving authorities has been exercised through the mediation of writers whose works have now mostly disappeared.

Among authors of what may be described as complete Histories of Rome the earliest who were able to deal with any considerable part of the period here in question were the group known collectively as the 'Sullan Annalists,' though their publications are to be dated after Sulla's death and in the neighbourhood of 70 B.C. The outstanding figures were **Q. Claudius Quadrigarius**, **Valerius Antias** and **C. Licinius Macer**, of whom the last was tribune in 73 B.C. (see pp. 766 *sqq.*). The reputation of these annalists is bad, but this is due above all to their imaginative handling of early Roman history. For later events, and especially for the events of their own age, their authority is by no means to be despised, though even here the length at which they wrote—Valerius Antias, the most verbose of all, seems to have devoted almost a whole book to every year from the time of the Gracchi onwards—suggests that, like Livy, they aimed at producing a readable story rather than a sober account of such features of the past as deserved the notice of later generations.

To be distinguished from the school which took as its theme the whole history of Rome is that which was content to deal with a briefer period. Two members of the latter, both roughly coeval with the Gracchi, were **C. Fannius**, a man of liberal outlook whose work covered the greater part of the last fifty years of the second century B.C., and a certain SEMPRONIUS ASELLIO, whose narrative is known to have been carried down as far as 91 B.C. These were succeeded in the same tradition by L. CORNELIUS SISENNA, praetor in 78 B.C., whose *Historiae* gave an account, conservative in its political sympathies, of events from the outbreak of the Social War to the death of Sulla; and this was continued by the *Historiae* of SALLUST, a work of which the extant fragments are numerous enough to have made possible a reconstruction of its general scheme. Sallust took as his subject the period in which the constitutional work of Sulla collapsed—a subject congenial to one who was a lifelong supporter of the *populares*. He began with 78 B.C. and continued with a detailed narrative of events, abroad as well as at home, until in the fifth book he had reached the year 67. The *Historiae* were written in the early thirties of the last century B.C., and it is possible that at his death in 35 B.C. Sallust left them incomplete. For Sallust's other works see below, p. 889 *sq*.

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[1] For the modern literature on these writers see in general the survey of A. Rosenberg, *Einleitung und Quellenkunde zur römischen Geschichte*, Berlin, 1921, and the works cited below in the Bibliographies on the ancient sources. On those authors who belong to the period of this volume see also above, chap. XVIII.

The chief successor of Sallust among Roman historians is ASINIUS POLLIO. Born in 76 B.C., he began a career under Caesar's protection with the opening of the Civil War and continued to play a part in public affairs which reached its highest distinction in the consulship in 40 B.C. and a triumph in the next year. After Actium had decided the struggle for power between Antony and Octavian, Pollio wrote *Historiae* which began with the formation of the First Triumvirate in the consulship of Metellus (60 B.C.) and extended to a point later than the Battle of Philippi. He died at the age of eighty in A.D. 4 or 5. Such evidence as there is for the character of his work suggests that he did not underrate his own part in the events which he described, and that he was at pains to correct the tradition set by Caesar's *Commentaries*. He was apparently no partisan and praised Cicero, Brutus and Cassius. He followed Antony at first but found it possible to be well seen by Octavian. Pollio appears to have had more influence on the historical tradition of Caesar's later career than any writer except Caesar himself (see further below, pp. 885 *sqq*.).

By the side of Pollio may be set a more shadowy figure, TANUSIUS GEMINUS, whose *Historiae* began not later than Sertorius and ended not earlier than 55 B.C. The few references to his work that survive suggest that it was anti-Caesarian, and Tanusius may have been the opposite, and possibly the opponent of Sallust, as a partisan writer (see below, p. 889 *sq*.).

Next must be noticed a figure of the first importance, standing somewhat outside the main Roman succession. Among the many undertakings to which POSIDONIUS OF APAMEA devoted his encyclopaedic mind was a large work on history. Posidonius, who was born in the thirties of the second century B.C., lived for the greater part of his life at Rhodes, and he came into contact with Rome both as an official representative of the Rhodians and as a friend of the many prominent Romans who were attracted by the fame of his erudition. His *Universal History*, which is said to have counted fifty-two books, opened in 146 B.C., where the narrative had been left by Polybius, and ended at some time in the Sullan age. Like Polybius, Posidonius was a philosophic historian, with an outlook on affairs at Rome which may be described as one of critical conservatism. And, like Polybius again, Posidonius had travelled in the West, where he seems to have collected information of value about people who lived outside the Roman Empire.

The work of Polybius was also continued in the time of Augustus by Strabo of Amasia, in Pontus, who wrote a 'general history,' the greater part of which covered the years from 146 B.C. to towards the end of this period. This work is lost, though it may be traced in Josephus and has been suspected as underlying much of Plutarch and Appian. The geographical work of Strabo which survives contains some historical material, more particularly for the Greek East. A slightly earlier contemporary of Strabo, Nicolaus of Damascus, also wrote a general history which has suffered the same fate as that of Strabo. What remains of his work belongs to the biographical tradition, being the beginning of a *Life of Augustus* which affords some good evidence for events during the year 44 B.C.

Roman achievements were naturally the theme of Greek panegyric: a prominent writer in this kind was Theophanes of Mitylene, who devoted himself to the glorification of his patron Pompey. A more distinguished figure is Juba II, king of Mauretania under Augustus. He was a scholar—'studiorum claritate memorabilior etiam quam regno'—even if his method of writing was compilation rather than creation. Among his works was a *History of Rome*, apparently in two books, which reached the period of the civil wars. This *History*, and still more a substantial work on comparative customs and institutions (Ὁμοιότητες), were used by Plutarch, and the citations suggest that Juba enjoyed a considerable reputation in antiquity.

The writing of Republican history was continued under the Principate by historians whose works have perished, but who were largely the immediate sources of most of the extant authorities for the period which they described. It is, however, uncertain whether any of the known writers of the early Principate after Augustus were concerned with general Roman history before the beginning of the Civil War. The resemblances between Appian (see p. 886) and Plutarch (p. 887) may perhaps be explained best by the hypothesis that both draw largely upon a general history of Rome, based on a succession of writers mostly contemporary with the events which they described. But it is not possible either to isolate with certainty all the material due to this source or to assign a name to the compiler of it.

It remains to mention the school of biographers which grew up in the last years of the Republic. Of the *Imagines* of Varro we can say little but that they appear to have introduced this particular form of literature to Rome, but the *Vitae* of his contemporary, Cornelius Nepos, seem, so far at least as some of the Roman *Lives* are concerned, to have been based on an amount of independent research which made the result one of serious value. Unfortunately, none of the Roman *Lives* has survived except those of Cato the Elder and of Atticus from his *de Latinis historicis* (p. 769). There is one other figure which here deserves notice—that of C. Julius Hyginus, the freedman of Augustus who became Prefect of the Palatine Library. Hyginus wrote a work in several books *de vita rebusque inlustrium virorum*, possibly for purposes connected with the *elogia* set up by Augustus in his new Forum, and this has left undoubted traces on the surviving records.

Of the extant authorities the first to be considered are those of the Livian school. Livy's narrative of this period was contained in the books numbered from 58 to 116 inclusive, of which our knowledge is wholly indirect. But, although the original text is lost, we have the *Periochae* of all these books—short summaries derived from an abbreviated form (*Epitome*) of the author's text. The extant *Periochae*[1] are thus separated from the work of Livy by an intermediate version, and it is clear that in course of transmission the views of Livy have at times suffered some misrepresentation. But on the whole it may be assumed that the *Periochae* give us access to the opinions of Livy on such subjects as they mention, and they are not in conflict with the conclusion, to which other evidence points, that for the greater part of this period Livy was dependent on the Sullan annalists—particularly on Claudius Quadrigarius and Valerius Antias—and at times apparently also on the *Histories* of Posidonius. For the period covered by Caesar's *Commentaries* and the Caesarian corpus (p. 767 and p. 889) Livy no doubt used these authorities, together with an independent source which it is not too hazardous to describe as Asinius Pollio. The trend of the Livian tradition can be reconstructed for part of the Civil War from Lucan and in general from Dio, who made a great use of this tradition. Indeed it is from writers in later centuries who relied on his authority that much of our knowledge of the Livian tradition is derived.

Two such, who lived in the second century A.D., were a certain FLORUS whose brief account of the wars of Rome is concerned with this period from bk I, 35 (II, 20) to Bk II, 13 (IV, 2), and one GRANIUS LICINIANUS whose treatment of the years down to 78 B.C., partly preserved in a palimpsest at the British Museum, is of interest rather for its antiquarian digressions than for the framework, which is ultimately derived from Livy. From the fourth century comes the *Breviarium historiae Romanae* of EUTROPIUS, published in the year A.D. 363 and here relevant in the section from Bk IV, 18 to Bk VI, 25 (20), and from the fifth the apologetic *Historia adversum paganos* of PAULUS OROSIUS, a friend and pupil of Augustine. The *History* of Orosius was published in A.D. 417, and in the parts dealing with the Roman Republic it provides our fullest information about Livy's version of the facts. The treatment of this period is to be found in the section from Bk V, 8 to Bk VI, 17. There is also a small amount of material derived from Livy preserved in the *Chronicon* of CASSIODORUS, which appeared in A.D. 519. Finally, under this head must be mentioned the names of JULIUS OBSEQUENS, who at an unknown date used some version of Livy as a source from which to compile a list of the prodigies recorded in Roman history, and of Cassius Dio. CASSIUS DIO COCCEIANUS[2], a native of Nicaea, was consul for the second time as colleague of the emperor Severus Alexander in A.D. 229, and his *Roman History* was written with a knowledge of the Imperial constitution, rare among the Greeks, which makes it, in its later parts at least, a work of the greatest value. Unhappily of the books from XXIV to XXXV, which contained his account of the period 133 B.C. to 69 B.C., nothing has been preserved but a few fragments so scanty as to make conjecture about the source of the narrative and its value virtually impossible. The beginning of Book XXXVI is lost, but what remains of that book and its successors to XLIV presents a continuous narrative of events from 68 to 44 B.C. It is generally agreed, and with reason, that in these books his main source was Livy, who in his day still ranked as the standard authority for the history of the Republic. In general his annalistic arrangement derives from Livy, but in places he groups his material otherwise in such a way as to obscure the chronological and, indeed, logical order of events. He was a convinced admirer of the revived Imperial authority of Septimius Severus and it may be suspected that this admiration has coloured his picture of Caesar, and rendered him uncritical of traditions which lent themselves to an interpretation upon these lines. Of the ideas and working of the Republican institutions he has not the knowledge or understanding which he displays in writing of the Imperial régime. But it cannot be denied that he practised independent criticism, and had a high ideal of history, although his desire to be a second Thucydides, coupled with his incapacity to achieve his desire, have deprived that part of his work which deals with the Republic of colour and life, and often of detail.

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[1] Cited, according to common practice, as *Epit.*

[2] His *praenomen* is unknown.

A work which requires special treatment is that of Appian—an Alexandrine Greek, born towards the end of the first century A.D., who secured a place in the imperial civil service during the principate of Antoninus Pius through the influence of Fronto, the tutor of M. Aurelius and L. Verus. The virtues of Appian as an historian are not high. He was chiefly interested in wars, on which he supplies information of value, but he had no eye for the themes of more significance and his ignorance of the Republican constitution betrayed him into frequent misunderstandings of his authorities. Nevertheless, the thirteenth book of his Ῥωμαϊκά, more commonly known as the first book of the *Civil Wars*, contains evidence of outstanding value for some part of the period with which it deals—the years from 133 to 70 B.C. In the later chapters, besides the usual annalistic material, the influence of Posidonius and subsequently of Sallust is plain, though it is unlikely that Appian drew on either of these sources direct. But in the earlier sections, and particularly from ch. 7 to ch. 17, where Appian gives his account of the tribunate of Tiberius Gracchus and of the economic situation which his legislation was designed to meet, he is using an authority contemporary with the events. The identity of this writer has been much discussed. Conceivably he was the historian C. Fannius (see above, p. 882), but it is of less importance to ascertain his name than to appreciate the penetrating insight with which he states the problem which Tiberius Gracchus essayed to solve—an insight not to be concealed by the jejuneness of Appian's reproduction. The second book of the *Civil Wars* continues the narrative to the death of Caesar. There are traces of the use of Asinius Pollio, which may explain the increasing fullness of treatment as the history approaches Pollio's own time. In general it may be said that nothing in the second book of the *Civil Wars* possesses for political history the value of the Gracchan sections of the first book. In his account of the wars in Illyria Appian gives some information of value, and this is truer still of the *Mithridatica*, which supplies the only continuous account of these wars as a whole, and of events geographically connected with them, such as the campaign against the pirates. For the First War, Appian appears to have drawn on Livy rather than Posidonius, who may have been his source for the preceding relations of Rome and Pontus. In the Second and Third Wars the narrative appears to come from a Greek source, probably Nicolaus of Damascus, with additions, for the Third War, from the poems of Archias, who accompanied Lucullus on his campaigns.

At this point there may be mentioned the surviving fragments from Books XXXIV to XXXIX of the *Bibliotheke* of DIODORUS SICULUS—a dull and inaccurate compilation made in the last years of the Republic, which is nevertheless a valuable source of information for various episodes, particularly the Sicilian Slave Wars, and which is of interest because the *History* of Posidonius was among the works whereon its author regularly drew. The information on geographical and ethnical matters collected by Posidonius is to some extent preserved by Strabo, whose remarks in Books IV and VII of his *Geography* on the Germanic invasions are evidence of value for that episode.

The second group among the extant authorities is composed of those who may in some sense be called biographers (see above, p. 884). Of these the earliest is C. VELLEIUS PATERCULUS, an army officer of no great intellectual distinction, who in A.D. 30 published a brief general history up to his own time. For the affairs of Rome, Velleius depends in the first place on the later annalists, but into the framework thus supplied he inserts a certain amount of matter derived from other sources, among which the earlier biographical compilations hold a prominent place. The chapters in which he treats the period here in question are those from 2 to 57 in the Second Book. In his account of the closing decade of the Republic signs of the age in which he lived can be detected: for example, Antony is made to appear as largely responsible for such acts of Caesar as did not suit the policy of the Principate.

Of far greater significance than Velleius is PLUTARCH, a native of Chaeronea born in the principate of Claudius, whose *Parallel Lives* of famous Greeks and Romans, though varying through every degree of value, often supply evidence of high importance. In the *Lives of the Gracchi*, besides material from an annalistic source, Plutarch had access, indirect indeed, to an early biography of which the author may plausibly be identified with Cornelius Nepos. Similar authorities are to be detected in the *Life of Marius*, another of Plutarch's more valuable compilations, and in the *Life of Sulla*—a disappointing record largely dependent, though not directly, on the *Memoirs* of the dictator—and in the *Lives of L. Lucullus, Sertorius, Pompey* and *Crassus*. In the last four the influence of the *Histories* of Sallust is clear in the treatment of those years with which Sallust had been concerned. The biographies of Crassus, Pompey and Caesar show marked resemblances in their general historical setting which point to the use of a source of considerable range, which may be the same as that followed by Appian in the corresponding parts of his *Civil Wars* (see above, p. 886). Within this setting there is a varied biographical tradition in which no doubt Asinius Pollio played a part. For the *Life of Cato the Younger* Plutarch appears to have made direct use of a work by the Stoic Thrasea, which in turn went back to an older biography by Munatius Rufus. In the biography of Cicero there is much excellent material derived ultimately from his freedman Tiro. The *Brutus* is drawn from some existing combination of memoirs in the same historical setting as the other lives of this period.

A later contemporary of Plutarch, C. SUETONIUS TRANQUILLUS, born *c.* A.D. 75, wrote eight books *de vita Caesarum*, of which the first is the life of Julius Caesar. His interests and his reading were wide, and he has the merit of using sources at first hand; but part of his sources were full of scandals which are not the truer for having been concocted by contemporaries. In others of his *Lives* he occasionally cited official sources by name, but it cannot be said with certainty that he did this in the *Divus Iulius*. Though well acquainted with the speeches and letters both of Caesar and Cicero, he shows little sign of having used them extensively. Resemblances to Plutarch suggest that he referred to the work of Pollio, which he cites twice. On the other hand he does not mention either Sallust or Livy. Although not impeccable in point of accuracy, he provides a valuable collection of facts, though his practice of grouping the material for his lives according to topics blurs his chronology.

In the same tradition stands the anonymous tract *de viris illustribus urbis Romae*, a work not earlier than the second century A.D. which in the chapters from 58 to 81 briefly sketches the careers of numerous outstanding figures from Scipio Aemilianus to Julius Caesar. The work is so short that its value is small, but such information as it does preserve is largely the common currency of the biographies, even if it be right to recognize scattered signs that the author was acquainted with the work of Florus.

Connected with biography, though to be distinguished therefrom, is the literature which culled from history *Exempla* of various virtues and vices. Of this form there is one specimen which yields a considerable amount of casual information about the later Republic—the *Libri novem factorum et dictorum memorabilium* published in instalments by a certain VALERIUS MAXIMUS during the principate of Tiberius. The sources of this work are to be seen in the biographical literature, behind which stood the later annalists and the contemporary memoirs to which the early biographers had recourse. Among the sources used by Valerius Maximus it is fairly certain that a similar selection of *Exempla* by C. Julius Hyginus (see above, p. 884) is to be included. Finally, though most important for the historian, remain contemporary works of various kinds.

For his own age the writings of CICERO provide evidence on a scale which makes the last years of the Republic a period more intimately known to posterity than any other of the same length before the invention of printing, but they also contain abundant references to earlier periods of Roman history. About the value of these, which is very far from uniform, nothing can here be said. There is, however, a work normally included in the Ciceronian corpus, though it is not by Cicero, which calls for special mention—the four books *de ratione dicendi ad C. Herennium*. This work was probably composed about the time of Sulla's dictatorship, and it has value as an historical authority, not only on account of the information contained in the passages cited by way of illustration, but because the author was an opponent of the Senate and so belonged to a school of thought whose opinions are very ill represented in our other authorities. The correspondence of Cicero (see above, pp. 773 *sqq.*) that has survived contains more than the orator's own letters. In particular, it includes letters written both by Caesar and Pompey in the first year of the Civil War, and the especially valuable commentary on the political situation at Rome sent by Caelius to Cicero during his absence in Cilicia. The great majority of the letters in the whole correspondence can be dated precisely or fairly closely, and their historical value in themselves and as a test of other sources is obviously very great. It has to be remembered that while some of them are calculated political documents, the majority, especially those written to Atticus, present the mood of a moment and are to be interpreted accordingly. In the same way the speeches, despite re-touches before publication, are governed by the political events which evoked them or the case which the orator had to plead.

Fragments of speeches which have perished and extremely well-informed notes are to be found in what remains of the commentary to Cicero's speeches which was composed not later than A.D. 57 and possibly after 54 by Q. ASCONIUS PEDIANUS. Unfortunately notes to only five speeches have survived. Some good information is also to be obtained from the *Scholia Bobiensia* to a number of speeches. The Gronovian scholiasts contribute little, and the same is true of the pseudo-Asconius' commentary to part of the Verrines. References to post-Gracchan and contemporary history are to be found also in the philosophical and rhetorical works of Cicero, and what remains of the *de Re publica* is evidence for Cicero's own political thought in the period during which the work was composed (see above, p. 623 *sq.*).

CAESAR's *Commentarii* (and those of the so-called Caesarian corpus) are in form the raw material of history (see pp. 763 *sqq.*). Those on the Gallic Wars are based in part on the reports of Caesar's *legati* to him; and although the work was put into final form at one time, it embodies in part despatches of Caesar himself to the Senate at the end of each year (see above, p. 537 *Note*). Criticism has failed to prove extensive lapses from the truth, although no doubt Caesar placed a favourable colour on his actions, particularly in the first year of his governorship. The *Commentarii* on the Civil War were incomplete at the time of the dictator's death and contain gaps in the narrative. Caesar naturally takes his own part in the political narrative, but on the military side the details are almost wholly to be trusted, and in general his opponents are treated fairly and with respect. The *Gallic War* was completed by Hirtius, a member of Caesar's staff. Though not as devoid of military knowledge as has sometimes been supposed, Hirtius was more employed on the political side and was no doubt in Caesar's personal confidence. It is not improbable that he is the author of the *Bellum Alexandrinum* which continues the story of the Civil War where Caesar's own work ended. If this is so, he was not present at most of the varied events which he describes in that book, but the writer, whoever he was, had excellent sources of information. Of the remaining works in the Caesarian corpus the *Bellum Africum*, which treats of the campaign that ended with Thapsus, is from the pen of a soldier on the spot who views the operations from the angle of an officer of rank but not in Caesar's immediate confidence. The book is an excellent piece of military history. The writer of the *Bellum Hispaniense* was also a soldier who had first-hand information of what he attempted to describe. The attempt is only partly successful because of a pitiful illiteracy shot with strands of misapplied rhetoric. The text is badly transmitted and incapable of satisfactory emendation. The account of Munda can be supplemented from Dio, who retains a Livian tradition which is not without value.

To these may be added two extant works by SALLUST, which, though in form historical monographs, partake largely of the character of pamphlets.

These are the *Bellum Catilinae* and the *Bellum Jugurthinum*. The first was probably inspired by the publication in 42 B.C., from among Cicero's papers, of a pamphlet *de consiliis*, in which Caesar was declared to have been the true originator of the Catilinarian conspiracy. Sallust seeks to refute an allegation which was probably false, partly by an appeal to the attitude of Cicero at the time, partly by an alternative and far more elaborate falsification in which Catiline was made a great revolutionary, the result of the moral breakdown induced by the bad government of the *nobiles*. This attack on the *nobiles* was carried further in the *Bellum Jugurthinum*, in which the alleged faults of Senatorial foreign policy and the earlier career of Marius are placed in a setting of war on which Sallust, although he had been a governor in Africa, plainly did not lavish overmuch attention (see also pp. 113 *sqq.* and p. 767 *sq.*). More clearly pamphlets are the *Invectiva in M. Tullium* (see p. 619), apparently regarded as Sallustian in antiquity, and the two brochures '*ad Caesarem senem de re publica*,' which many scholars regard as from his hand. The question of these two pamphlets cannot be discussed here. It may be said that the results of stylistic study incline to the conclusion that both pamphlets are authentic rather than imitations of the Imperial period, whereas the difficulties presented by the contents, more particularly of the second, have not been solved. In chapter XVI above, the second is not adduced as contemporary evidence.

There remain a group of writers who were not primarily concerned with Rome or Roman history, but who incidentally supply information at points at which Rome entered their field. In the Augustan period POMPEIUS TROGUS wrote *Historiae Philippicae*, apparently in continuation and imitation of the work of Theopompus (vol. VII, p. 257). Trogus concerned himself with the States of the ancient world apart from Rome, and though his work has perished, the abridgement of it made by M. JUNIANUS[1] JUSTINUS in the third century A.D. provides some information not found in any other surviving sources. The reputation of the work has suffered from the inability of Justin to make an accurate and intelligent abstract.

For Roman contacts with the Jews and with Syria evidence is afforded by FLAVIUS JOSEPHUS, who was born in A.D. 37 or 38 of a Jewish priestly family. After taking a leading part in the great Jewish revolt he settled in Rome, enjoying the favour of the Flavian emperors. He wrote on the history of the Jewish people and of their wars since the time of the Maccabees, in which he supplies evidence for Roman foreign policy and warfare in the East, based, apparently, on the general histories of Nicolaus and Strabo (p. 884).

Josephus is concerned with his own people and his works provide a distinguished example of national or local history-writing. Another example of this last *genre* is the local history of Heraclea in Pontus written by Memnon about A.D. 100. More fortunately for us than for Heraclea the city came within the range of the Mithridatic Wars, and its local tradition preserved a record of these operations. The parts of the work which survive are of considerable value, though it may be said that their value varies in inverse proportion to the distance of the events from Heraclea.

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[1] Or Junianius. See Kroll in *P. W. s.v.* Iunianus (4).

NOTES

1. THE DATE OF THE LEX RUBRIA DE COLONIA IN AFRICAM DEDUCENDA

On the authority of Velleius Paterculus (I, 15, 4), who places the foundation of Junonia in the year after that of Fabrateria—a colony planted in 124 (Vell. Pat. *ib.*)—and of Eutropius (IV, 21) and Orosius (V, 12, 1), who connect the settlement at Carthage with the consular year 123, it is often held that Rubrius was tribune for 124/3. On the other hand the Epitomator of Livy (60) puts the colonial schemes of Gracchus in his second tribunate (123/2) and Plutarch (*Gracchi*, 31) definitely assigns the Lex Rubria to a date after the counter-stroke of Drusus, who was undoubtedly a tribune of 123/2 (Cicero, *Brutus*, 28, 109). Confidence is impossible; but the present writer is inclined to follow Livy and Plutarch at least in their suggestion that Rubrius held office in 123/2. Various arguments in favour of this course are adduced by Kornemann (*Zur Geschichte der Gracchenzeit*, pp. 44 *sqq.*), and to these may be added another consideration. The desertion of those former friends of Gracchus who finally went over to the Senate can scarcely be placed later than the passing of the final *lex iudiciaria*: if their loyalty survived that measure, it would have survived to the end. Now the *volte-face* of Fannius is described as if it happened during his consulship—*i.e.* in 122, so that the final *lex iudiciaria* should belong to that year and not to 123. If then, as is highly probable, this *lex iudiciaria* was passed by M'. Acilius Glabrio, Glabrio was tribune for 122; and, since it is virtually certain that Rubrius and Glabrio were tribunes in the same year (see below, p. 892), 122 is indicated again as Rubrius' year of office.

The argument used by Gsell (*Histoire ancienne de l'Afrique du Nord*, VII, p. 59, n. 3 and p. 61) to show that Rubrius was tribune for the year 124/3 is not wholly convincing. It depends on the belief that Gracchus, who admittedly went to Carthage in order to make the site ready for his colonists by marking out the plots and so on, took at least the bulk of the settlers with him. Such a belief, as Gsell allows (*ib.* p. 61), is in direct conflict with evidence of Appian (*Bell. Civ.* I, 24, 104). That Gracchus was accompanied by a certain number, who would supply such labour as was required for the preliminary survey, is not only probable but is implied by Plutarch (*Gracchi*, 32, 1): but it is less easy to believe that the whole body landed in Africa before any preparations for their reception had been made.

The present writer does not accept the theory of Carcopino (*Autour des Gracques*, pp. 266 *sqq.*) that Rubrius proposed the colonization of Carthage in order to secure the removal of Gracchus from Italy and so to gain a respite from the Italian activities of the Gracchan land-commission. The theory rests on an assumption which is improbable—that the Gracchan land-commission was still dangerously active: it is more likely that almost all the available land in Italy had been assigned even before 123 (see above, p. 67). Moreover, such a view, for which there is no direct evidence, conflicts with the frequent statements that much was done to destroy the influence of Gracchus by reports of difficulties at Carthage. It is not altogether easy to believe that the prestige of Gracchus in Rome would have been affected by the misfortunes of Junonia if the colony was not a scheme of his own conception, but a device forced on him by rival politicians in order to tie his hands. This, however, is not to deny the truth of Appian's statement (*Bell. Civ.* I, 24, 102) that the Senate was relieved to see his back when he went off to Africa. H. M. L.

2. THE LEX ACILIA

On the sheet of bronze of which the fragments are now at Naples and Vienna the texts of two laws are in part preserved, and of these the earlier[1] is a *lex de rebus repetundis* (Bruns, *Fontes*^{7}, 10). The general character of this measure shows beyond all doubt that it belongs to the tribunician career of Gaius Gracchus, and there are some who still believe that the reference to a Lex Rubria in line 22 is conclusive evidence that it falls after the passing of the Lex Rubria de colonia in Africam deducenda and before the repeal of that law in 121 B.C[2]. Moreover, since the text in question reproduces all the recorded provisions of a Lex Acilia which is more than once mentioned by Cicero and his commentators, it must be admitted that this document contains either the Lex Acilia itself or something which was indistinguishable from that enactment in all respects on which evidence is available. In the complete absence of reasons for regarding this as an unrecorded measure different from the Lex Acilia though identical with it in all ascertainable details, the multiplication of hypotheses may be avoided and the first of the extant texts may be accepted as part of the Lex Acilia to which Cicero refers. In that case there is a further clue to its date. From an inscription found at Astypalaea[3], wherein a Lex Rubria Acilia[4] is cited in the course of a *senatus consultum*, it appears that a Rubrius and an Acilius were colleagues in some office and that together they passed a law which was the latest legislation on its particular subject, whatever precisely that may have been, in 105 B.C. Here again, in spite of the difficulty caused by the unusual double designation of the enactment[5], the most obvious identification is the least objectionable: Rubrius is the colleague of Gaius Gracchus, and [M'.] Acilius Glabrio was another member of the same tribunician board, which the present writer believes to be that of 123/2 B.C. Thus the earlier of the two epigraphic texts is connected by internal evidence with the activities of Gracchus: with this law a certain Acilius is associated by the casual remarks of Cicero about the provisions of a Lex Acilia: and by the inscription from Astypalaea an Acilius is revealed in an office, which may now be regarded as the tribunate, at the same time as one Rubrius, in whom it is natural to see the author of the Lex de colonia in Africam deducenda. There are thus independent indications that Acilius and the earlier of the laws on our inscription are to be connected with one another and with the tribunate of Gaius Gracchus. For these reasons the extant document may be regarded as part of the Lex Acilia, and in what follows it will so be called.

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[1] J. Carcopino (*Autour des Gracques*, pp. 228 *sqq.*) argues that this is the later of the two texts; but the facts adduced by Mommsen (*Gesammelte Schriften*, I, pp. 11 *sqq.*) in favour of the other view, which is here adopted, appear to the present writer to be conclusive.

[2] For a different view see Carcopino, *op. cit.*, pp. 220 *sqq.*

[3] *I.G.R.R.* IV, 1028.

[4] The vital words are in lines 12–13—[*κατὰ*] *τὸν νόμον* [*τόν τε*] *Ῥόβριον καὶ τὸν Ἀκίλιον.*

[5] On this see Mommsen, *Staatsrecht*, III, p. 315, n. 2.

The Lex Acilia concerns itself wholly with the court for the trial of charges of extortion; and, though later authorities often speak as if the judiciary reforms of Gracchus had a wider scope than this, there is a lack of evidence to show that other permanent *quaestiones* had been set up so early as 122 B.C. Even if it could be proved that other *iudicia publica* were already in existence, the peculiar purpose of the *repetundae*-court (see above, p. 75) would make it easy to believe that in his judicial reforms Gaius Gracchus confined his attention to the needs of this particular tribunal. In fact, however, the *quaestio de rebus repetundis* is the only court of the new type known for certain to have been instituted before 123 B.C. The authorities for the Gracchan Lex ne quis iudicio circumveniatur no more prove that Gracchus established a standing court for the trial of this offence than the evidence for the Lex Cornelia Baebia de ambitu of 181 B.C. (vol. VIII, p. 374) or for the consequential law of 159 B.C. (Livy, *Epit.* 47) shows that a *iudicium publicum* was created on either of these occasions. Indeed, the passage of Cicero's speech *pro Cluentio* (55, 151) which is often quoted as proof that Gaius Gracchus set up a permanent court for the trial of this charge rather suggests that the first standing *quaestio* on this subject, as on many others, was due to Sulla. Nor is it necessary to infer from other remarks of Cicero[1] that a *iudicium publicum* for cases of murder had been established by 142 B.C.

Writers who lived after the Sullan age may well have assumed that Gracchus was dealing with a system which, if it was not as elaborate as that which it was the work of Sulla to create, included more *quaestiones* than one; and the assumption was perhaps made easier by the fact that the issue raised by Gracchus about the solitary standing court of his own day affected all later courts of the same kind as they were successively established. But by itself the general phraseology used by Velleius, Plutarch, Tacitus and Appian is not enough to prove the existence of other courts for which no explicit evidence is to be had, and it may therefore be said that, so far as is known to us, the famous measure whereby Gracchus set strife between the Senate and the next order in the State was confined to the *quaestio de rebus repetundis*[2].

The surviving sections of the law are enough to show that it made comprehensive arrangements for the conduct of the court, but its political significance is due almost wholly to its change in the recruitment of the *iudices*. Hitherto they had been drawn exclusively from the Senate; henceforward no senator was to be empanelled[3]. But at this point uncertainty begins. It is true that the general effect of the reform allows of little doubt: in the place of senators there were put jurors drawn from the most substantial stratum of society outside the Senate itself. But beyond this everything is conjecture. By one of those tantalizing accidents which are too frequent in the fortunes of epigraphic monuments, both passages of the Lex Acilia in which the positive qualifications of the new *iudices* were set out have been destroyed, and over their restoration by conjecture much fruitless effort has been expended. In its main lines the issue is plain: it lies between a qualification expressed in an amount of property and one which demands that the jurors should have been enrolled in certain specified centuries of the Servian organization.

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[1] *de finibus*, II, 16, 54: cf. *de nat. deor.* III, 30, 74. On these passages see A. W. Zumpt, *Das Criminalrecht der röm. Republik*, I, 2, p. 106.

[2] Criticisms of the view here adopted, that the Lex Acilia is the famous Gracchan judiciary law, may be found in *Hist. Zeitschr.* 3te Folge, XV, 1913, pp. 491 *sqq.* (W. Judeich) and in *Hermes*, LVI, 1921, pp. 281 *sqq.* (E. von Stern).

[3] For a different view see M. A. Levi in *Riv. Fil.* N.S. VII, 1929, pp. 383 *sqq.*

At this point the *equites* must for the first time be introduced, and in order that speculation, however hazardous, may rest on at least a foundation of certainty the uses of the term first to be examined must be those which prevailed in the Ciceronian age. Though the evidence is copious, an adequate summary of the facts is to be found in a single passage. In the pamphlet entitled *De petitione consulatus*, which is undoubtedly an authentic work written by Quintus Cicero at the end of the year 65 B.C., Quintus advises his brother Marcus to secure the support of the 'equitum centuriae,' the famous eighteen centuries of knights: the task, he says, will be easy because the members of these centuries are few, and also because they are young men who readily respond to the seductions of a skilful canvass. But, what is more, since Marcus has the *equester ordo* in his pocket, the youthful *equites* of the eighteen centuries will be induced to give him their votes by the 'ordinis auctoritas' (8, 33). Thus there are two bodies to be distinguished—the *equites equo publico*, who are a small body of rich cadets, and the *equester ordo* itself. Of this *ordo* it is enough to say that, so far from being an organized corporation, it can scarcely be described more precisely than as a stratum of Roman society—a stratum consisting of those citizens with the wealth required for membership of the equestrian centuries and who were not members of the Senate. Such men, though not included in the *centuriae equitum*, had some claim to describe themselves as *equites* because, possibly since the time of Camillus, they were theoretically liable to be called upon for service as *equites equo privato*: but, though it was customary for the *equites equo publico* to surrender their horse at the age of forty-six at latest and so to join the *equester ordo* in its wider sense, it is beyond doubt that the *ordo* contained many men who had never held the *equus publicus* at all. Their connection with the *equitatus* was simply this—that, while they were not senators, they had property of an amount which made them liable for equestrian service if such service was required. The ownership of this property was the only positive differentia by which they could be legally described, and if it was they who were made eligible for choice as *iudices* it must have been a qualification expressed in value of property which stood in the two famous lacunae of the Lex Acilia. Words meaning 'holders of the public horse' would cover none but men actually enrolled in the *centuriae equitum*: words like 'holders of the public horse, past or present' would include a larger number by admitting men who had been members of the eighteen centuries in the earlier days and had since retired: but, if the whole *equester ordo* in the sense of the Ciceronian usage was to be described, the description, after senators had been ruled out, could only be made by setting out a minimum assessment—in all probability one of 400,000 sesterces.

Though it is perhaps less than enough for demonstrative proof, there is a certain amount of evidence to suggest that, when the Lex Aurelia of Lucius Cotta in 70 B.C. constituted juries of three elements—senators, *equites* and *tribuni aerarii* in equal numbers, the two latter categories were not specified by a merely pecuniary definition: it is at least possible to argue that, by Cotta's law, service on the equestrian panels was confined to those who either were or had been members of the *equitum centuriae* (see above, pp. 338 *sqq.*). If that were so, and if it were legitimate to assume, as is regularly done, that the *equites* of Cotta are the same as those mentioned by our authorities for the judicial reforms of Gaius Gracchus, the question about the missing definitions of the Lex Acilia would be answered: the lacunae must have been filled by words which would restrict service on the juries for the trial of extortion to some or all of those 'who hold, have held, shall hold or shall have held the *equus publicus*.'

Such in outline is the view which on the whole has found most favour in the past, and it is a view which may well be true. But it would be misleading to state it thus without adding a word on the other side. Surviving documents of the Gracchan age are scarce, and it is no matter for surprise that in the few fragments which remain there is nothing to show by what name Gaius Gracchus and his contemporaries normally called the class on whom his favour was bestowed. The earliest extant passage in which the term 'equites' is used to describe the *iudices Gracchani* seems to be one belonging to the year 70 B.C.[1], though it should perhaps be said as well that Cicero, in references to the period between 110 and 70 B.C., frequently uses the word to indicate what corresponded to the whole *equester ordo* of his own day. Such evidence is little enough, and by itself it would do nothing to justify the suspicion that this application of the name 'equites' to the Gracchan jurors is an illicit transference to the second century B.C. of a usage proper only in the first. There remains, however, the testimony of Pliny. In his brief account of what Cicero knew as the *ordo equester*[2] he traces its origin as a separate section in the State to the tribunates of the Gracchi; and then come some words most relevant to the present issue. Its members, he says, were first of all called 'iudices,' until in course of time, when the repute of the courts was low, this title was dropped and 'publicani' for a while held its place. Finally, the name 'equites' was fixed in the consulship of Cicero, and the familiar use of the phrase 'ordo equester' only dates from the year 63 B.C. This account is open to some criticism in detail: it has been noticed above that Cicero speaks of 'equites' in the political sense seven years before his consulship. But, unless Pliny's story is mere invention, it is evidence of value for the intentions of Gaius Gracchus.

Nothing can be proved to demonstration, and the issue is between mere possibilities: all that the present writer would do is to express his own opinion that, if the Gracchan *iudices*—the nucleus of Cicero's *ordo equester*—had been defined as 'equites' in the judiciary law of 122 B.C., it would be a matter for some surprise that fifty or sixty years should have been spent in looking for the name which, on this theory, Gracchus himself had already supplied. So far as it goes, this evidence tells in favour of the belief that the lacunae of the Lex Acilia contained a property-qualification and nothing more; and such a conclusion is supported by the general consideration that what Gracchus sought was a certain kind of ability and outlook—qualities which might normally go with a high degree of wealth and education, but which it is difficult to connect in any essential way with service in the equestrian centuries. For these and other reasons[1], though certainty cannot be attained, it may be thought probable that the vital passages in lines 12 and 16 of the Lex Acilia should be so restored as to say that every juror should be one 'quei in hac civitate sestertium quadringentorum milium nummum plurisve census siet,' or something to a similar effect. H. M. L.

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[1] Cicero, I *in Verr.* 15, 38.

[2] *N.H.* XXXIII, 34.

3. THE DATES OF THE LEX ANTONIA DE TERMESSIBUS MAIORIBUS AND THE LEX PLAUTIA DE REDITU LEPIDANORUM

The view that Sulla deprived the tribunes of their power to initiate legislation has often been challenged on the ground that in the so-called Lex Antonia de Termessibus Maioribus (Bruns, *Fontes*^{7}, 14) we have a tribunician measure passed while the arrangements of Sulla were still in force. This, however, is by no means certain. The law apparently belongs to a year not earlier than 72 B.C., and is usually assigned to 71: but to 71 it can scarcely belong. The names of the ten tribunes of the year in which the Lex Antonia was passed are almost certainly known from an inscription (Dessau 5800), and among them there is no place for M. Lollius Palicanus, whose tribunate should probably be placed in the year which began on 10 December 72 B.C. (see Drumann-Groebe, *Geschichte Roms*, III, p. 57, n. 14 and IV, p. 400, n. 1). If—as is perhaps slightly more likely than not, unless the reading in col. I, line 22 is corruptly preserved, though it is by no means certain—the measure is later than 72 B.C., then it cannot be earlier than the tribunate which began on 10 December 71 and coincided, for the greater part, with the first consulships of Pompeius and Crassus. But in that case who shall say whether this law was prepared before or after the consuls had restored the tribunate to its pristine power (see J. M. Sundén, *De tribunicia potestate a L. Sulla imminuta quaestiones*, pp. 10 *sqq.*)?

The only other measure almost certainly of tribunician origin which may fall between 74 and 70 B.C. is the Lex Plautia de reditu Lepidanorum. Mommsen's reasons (*Strafrecht*, p. 654, n. 2) for putting in it 77 B.C. will scarcely bear examination. All that can be said with certainty is that it falls before Caesar's quaestorship in (?) 68 B.C. (Suet. *Div. Iul.* 5); but it may be added that no date earlier than the death of Sertorius in 73 is easy to accept. Within these limits, however, precision is impossible: 73 B.C. itself—the year favoured by Lange (*Römische Alterthümer*, III^2, p. 185) and Maurenbrecher (*Sallusti Historiarum Reliquiae*, Prol. p. 78, n. 8)—is commended by the probability that the claims of the Lepidans called for consideration during the settlement which followed the end of the war in Spain, but it is scarcely less likely that this particular problem, which required a law for its solution, was reserved until Pompeius had returned to Rome, and that Drumann (*Geschichte Roms* (ed. 1) III, p. 139) was right in referring it, as he seems to do though he is not altogether explicit, to 70 B.C. or the following year. H. M. L.

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[1] Some of which may be found set out by A. Stein in *Der römische Ritterstand*, p. 20 *sq*.

4. LUCULLUS' OPERATIONS IN THE LYCUS VALLEY[1]

The date adopted in the text (spring of 72 B.C.) for Lucullus' advance into the valley of the Lycus rests on the authority of Sallust, who states (*ap.* Plutarch, *Lucullus*, 33 = *Hist.* v, 10 M.) that the sieges of Cyzicus and Amisus took place in two succeeding winters. Phlegon, *Frag.* 12, states that in 72–1 B.C. Lucullus, leaving Murena in charge of the siege of Amisus, proceeded towards Cabeira, where he wintered. From Plutarch, *Lucullus*, 15, it is clear that Lucullus left Amisus in the spring following the first winter of the siege; accordingly Phlegon's reference to Lucullus wintering at Cabeira, which implies that he was in possession of the town, must be dated to the winter of 72/1 after the flight of Mithridates. The operations in the Lycus valley took place therefore in 72 B.C.

Considerable uncertainty attaches to the date at which certain of the Pontic fortresses fell. For the reasons given on page 363 it seems better to reject the statement of Memnon, 45, that Eupatoria was not assaulted and captured until after the operations at Cabeira were finished. There is equal uncertainty with regard to Themiscyra. Appian (*Mithr.* 78) describes an assault on the town at the same time as Amisus and Eupatoria were being attacked: *Λεύκολλος δ' Ἀμισόν τε καὶ Εὐπατορίαν...περικαθήμενος ἐπολιόρκει, καὶ ἑτέρῳ στράτῳ Θεμίσκυραν.* It would appear therefore that Lucullus' first measures, before entering the Lycus valley, were aimed at the reduction of these three important fortresses. Amasia he could afford for the present to neglect. The only alternative to the rejection of Memnon's date for the fall of Eupatoria is to stress Appian's statement (*Mithr.* 79) *Λεύκολλος διὰ τῶν ὀρῶν ἐπὶ τὸν Μιθριδάτην ἐχώρει,* and to assume that Lucullus reached the Lycus valley by a circuitous route through the hills. Such a route might be found in that described by Munro (*J.H.S.* xxi, 1901, p. 54) from Themiscyra along the coast to Oenoe and thence over the Paryadres range to Cabeira. But even if this were a possible route for a large army, it can be ruled out on the ground that it would have brought Lucullus directly on to Cabeira, which he clearly did not reach till a later stage.

The existence, however, of this route northwards from Cabeira to the coast does explain the later position which Lucullus took up immediately above Cabeira, when he had been driven from the low ground by Mithridates' cavalry. Plutarch's language is quite definite (*Lucullus*, 15): *ἐπὶ τόπῳ ἀσφαλεῖ τῷ στρατοπέδῳ καὶ φρούριον ἔχοντι τοῖς Καβείροις ἐπικρεμάμενον.* Munro, rejecting the statement of Plutarch, would place Lucullus' *φρούριον* on the ridge which (15 miles from Eupatoria and 12 from Cabeira) divides the Lycus valley into two sections. His supplies from Cappadocia, according to the same writer, reached him by the road from Comana to Herek (in the lower section of the valley). But if Plutarch, as appears from the unusual precision of topographical detail in his narrative, is correct, Lucullus' position above Cabeira secured him from attack, constituted a permanent threat to Cabeira itself and provided a line of retreat northwards by the hill-road Cabeira–Oenoe in the event of a serious reverse. His convoys would in any case have to fight their way across the Lycus valley, whether they used the road Comana–Herek or Comana–Niksar (Cabeira).

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[1] See p. 364 *sq.* and Map 7, facing p. 211.

H. A. O.

5. LEGIONS IN THE CIVIL WAR[1]

In the winter of 50–49 B.C. Caesar had legion XIII in North Italy and eight legions in Gaul (Hirtius *B.G.* VIII, 54, 3–4). In the view of the present writer, these eight are *legiones civium Romanorum*, VI–XII and XIV, and to them should be added the Gallic formation the Alaudae, which afterwards received the number V. Caesar has thus ten legions. Of these VIII and XII and 22 cohorts not yet organized into legions joined Caesar and XIII at Corfinium. The six legions which remained in Gaul then fought in Spain[2]. These conclusions appear to make the best of the evidence, but are open to the objection that the Alaudae are not recorded as active during 49. In 48 legions VI–XIV and the Alaudae served with Caesar in the Balkans together with a non-veteran legion XXVII. After Pharsalus three legions were formed of Pompeian troops[3]. Two of these were XXXVI and XXXVII, the third presumably either XXXV or XXXVIII. Thus before the battle Caesar had under arms legions VI–XXXIV or XXXV, less, possibly, two legions lost with Curio in Africa, if new legions did not take their numbers. A legion II was in Spain at this time (*Bell. Alex.* 53, 4) and a legion III is found with Caesar in Spain in 45 B.C. (*Bell. Hisp.* 30, 7), and may have been in existence in 48. Nothing is heard of a legion I or III. We may estimate the sum of Caesarian legions on the day of Pharsalus at within one or two of thirty. The new legions were made up partly of 70 Pompeian cohorts who surrendered in Italy and some 20 cohorts out of the Pompeian legions in Spain. Caesar says that Pompey lost 130 cohorts of Roman citizens in Italy and Spain. The number of cohorts lost in Italy is reached by subtracting either 60 or 70 cohorts for Spain. It seems slightly more probable that Caesar, when speaking of cohorts *civium Romanorum*, is not including the *legio vernacula*, which was the seventh Pompeian legion in Spain (*B.C.* I, 85, 6; II, 20, 4). The remainder of the new legions would be composed of the 22 cohorts already raised by Caesar at the outbreak of the war together with new enrolments in Cisalpine Gaul, now enfranchised, and Italy.

At the time of Pharsalus there were three legions in Sardinia and Sicily, five in Further Spain, at least two in Illyricum and the remainder in Nearer Spain, Gaul and Italy itself. During the year which followed Pharsalus VI was with Caesar, the remaining veteran legions were in Italy. Of the three legions formed from Pompeians after the battle Domitius kept XXXVI in Syria, sent XXXVII to Alexandria and another legion to Syria where it stayed. Caesar left in Egypt XXVII, which had accompanied him from Greece, and

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[1] For a detailed discussion see A. von Domaszewski in *Neue Heid. Jahrb.* IV, 1894, Drumann-Groebe, III, pp. 704 *sqq.*, Veith in *Geschichte der Feldzüge C. Julius Caesars* and works on separate campaigns; Rice Holmes, *The Roman Republic*, Vol. III, and H. M. D. Parker, *The Roman Legions.* To the last-named works this brief statement of conclusions is especially indebted.

[2] Parker, *op. cit.* p. 59.

[3] Rice Holmes, *op. cit.* III, p. 476.

XXXVII. A third legion is found in Egypt; this was probably formed from soldiers of the old army of occupation[1].

In the African campaign Caesar used in all V (Alaudae), IX, X, XIII and XIV, together with five non-veteran legions, of which the numbers XXVI, XXVIII and XXIX are certain[2]. In the campaign of Munda Caesar had eight legions of which III, V (Alaudae), VI, X are certain; the other four are probably XXVIII and XXX (found in Spain after Caesar's death), II and XXI[3]. In March 44 the total number of Caesarian legions was about thirty-five. It is to be remembered that it was Caesar's practice to allow legions to dwindle rather than to replenish them with recruits. It is very doubtful if in this period there was any regular conventional strength for a legion; a maximum complement for a Caesarian legion would be about 4000 men, the normal strength of a legion after several campaigns about 2000 to 2500. At Zela the sixth legion was less than 1000 strong (*Bell. Alex.* 69), at Munda the soldiers of the tenth are described as 'pauci' (*Bell. Hisp.* 31, 4).

Pompey took from Italy five legions. At Pharsalus he had in the line 110 cohorts[4]. He had added to his army four new legions from Cilicia, Crete and Macedonia, and Asia, the 15 cohorts captured from C. Antonius who were drafted into his legions, the legions from Syria and the *Afranianae cohortes*. As seven cohorts were stationed in his camp, we may assume that their place was taken by the Afranians. The fact that Pompey's Cilician legion was formed from two weak legions, which had been in that province during Cicero's governorship, suggests that it was his policy to keep legions at full strength rather than to multiply them. This is consistent with the distribution of Antonius' men throughout his legions. The reason for this policy would be the lack of experienced centurions. Caesar states that Pompey's 110 cohorts contained 45,000 men. This is probably an exaggeration. He gives 7000 for Pompey's cavalry both at Pharsalus and at the beginning of the campaign (*B.C.* III, 4, 3 and 84, 4)[5]. Scipio brought some cavalry from Syria but it is very unlikely that it made up for the losses in the Dyrrhachium campaign. Caesar may equally reckon the strength of the infantry without making due account for wastage. On the number of cohorts he would be accurately informed but not on their strength. Pompey's cohorts at Pharsalus may then be rated at an average of rather under 400 men. There is no evidence, and small probability, that he included in his army any considerable proportion of orientals, for his number can fairly be reached without that assumption. In Spain Afranius and Petreius had six legions *civium Romanorum* and had raised a *legio vernacula*; otherwise, they used Spaniards in cohorts without legionary formation. In Asia Minor Deiotarus and in Africa Juba trained natives in the Roman fashion and formed legions. These experiments were not a success. The Pompeians in Africa had ten legions apart from Juba's four. It is difficult to see how they can have had so many legions at reasonably full strength without admitting non-Italians. Cn. Pompeius in Spain was in worse case, for he gave legionary formation to a considerable number of cohorts of Spanish birth. The attitude of the Roman professional soldier towards any but regular legions *civium Romanorum* is shown by *Bell. Hisp.* 7, 4. 'Aquilas et signa habuit XIII legionum; sed ex quibus aliquid firmamenti se existimabat habere duae fuerant vernaculae....' F. E. A.

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[1] v. Domaszewski, *op. cit.* p. 173.

[2] Rice Holmes, *op. cit.* p. 523.

[3] Parker, *op. cit.* p. 68.

[4] Caesar, *B.C.* III, 88, 4. Orosius, VI, 15, 23, says 88 cohorts. This figure is apparently reached by assigning to Pompey eleven legions and subtracting 15 cohorts for the garrison of Dyrrhachium and seven for the guard of the camp. But the cohorts that garrisoned Dyrrhachium were probably auxiliaries, and the subtraction of the camp-guard was, as has been said, probably balanced by the addition of the *Afraniani*.

[5] Rice Holmes, *op. cit.* p. 476 n. 1.

6. THE *TRIBUNICIA POTESTAS* OF CAESAR

Dio (XLII, 20, 3) states that after Pharsalus Caesar received the right to be consul for five years without intermission, to be appointed dictator not for six months but for a whole year, 'and he added to these offices the power of the tribunes for life, so to speak—*τήν τε ἐξουσίαν τῶν δημάρχων διὰ βίου ὡς εἰπεῖν προσέθετο*.' Dio then explains what he means by 'the power of the tribunes,' namely, 'to sit with the tribunes on the same benches and in other respects to be reckoned one of them, a thing that was allowed to no one else.' L. Wiegandt[1] argues that the words *ὡς εἰπεῖν* must qualify the words *διὰ βίου*. This, he points out, is required by Dio's usage (cf. XLI, 7, 1; XLII, 19, 1; XLIII, 22, 1), and by the balance of the sentence, and the qualification is in place because he is only deducing that the grant was made for life by the absence of any fixed term. Dio (XLIV, 4, 2; 5, 3) further states that in 44 B.C. there were conferred on Caesar sacrosanctity and the right to sit upon the tribunician benches at the games. Either the first statement says the same as the second or it says more, and in either case it is difficult to see why there should be conferred on Caesar in 44 what he already possessed since 48. Wiegandt further shows that before 44 B.C. there is no other evidence of Caesar's possession of the rank or functions of a tribune or of tribunician sacrosanctity. His view of *ὡς εἰπεῖν* appears to be correct and it goes against the suggestion[2] that in 48 Caesar received what may be called quasi-tribunician power only, so that the conferment in 44 B.C. was necessary. It seems therefore preferable to reject the first statement as an anticipation of the second. Eight years later[3] Wiegandt was inclined to argue, with less probability, that some form of *tribunicia potestas* was offered to Caesar in 48 B.C. but not accepted by him. M. A. Levi[4] advances the theory that in 48 B.C. Caesar was granted the tribunician veto and that alone to complement his powers as dictator, which he believes to have been *rei gerendae* not *rei publicae constituendae*. To this view the text of Dio gives little support, especially if *ὡς εἰπεῖν* is rightly applied, and it appears improbable that this particular power of the tribune would be conferred alone, or that the dictatorship conferred on Caesar in 48 was not *rei publicae constituendae*.

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[1] *C. Julius Caesar und die tribunizische Gewalt*, p. 7.

[2] Rice Holmes, *The Roman Republic*, III, p. 515.

[3] In *Jahresbericht des Kgl. Gymnasiums zu Dresden-Neustadt*, 1898.

[4] *Atti del I Congresso Nazionale di Studi Romani*, I, 1929, pp. 353–7.

If what Dio says in connection with 48 B.C. is rejected as an exaggerated anticipation of what in fact happened in 44 B.C., then Caesar received neither powers nor functions but only sacrosanctity. This is apparently what Dio means in the second passage. In the speech which he puts into Antony's mouth after the murder he describes Caesar as *ὃν ἐξ ἴσου τοῖς δημάρχοις ἄσυλον ἐπεποιήκεσαν*[1]. Sacrosanctity was associated in the minds of the Romans with the tribunate, and the most obvious way of marking this tribune-like sacrosanctity was to permit its possessor to appear with the tribunes on great public occasions. In the view of the present writer it was this sacrosanctity which was conferred on Octavian in 36 B.C. (Dio XLIX, 15, 5–6) and which he in turn caused to be conferred on Octavia and Livia in the next year (Dio, XLIX, 38, 1) rather than *tribunicia potestas* in any active sense. What is important for Caesar is that it was not he but Augustus who later devised the active *tribunicia potestas* which reached its full development in 23 B.C.

F. E. A.

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[1] XLIV, 50, 1.

LIST OF ABBREVIATIONS

Abh. Arch.-epig.	Abhandlungen d. archäol.-epigraph. Seminars d. Univ. Wien.
A.J.A.	American Journal of Archaeology.
A.J.Num.	American Journal of Numismatics.
A.J.Ph.	American Journal of Philology.
Am. Hist. Rev.	American Historical Review.
Arch. Anz.	Archäologischer Anzeiger (in J.D.A.I.).
᾿Αρχ.	᾿Αρχαιολογικὴ ᾿Εφημερίς.
Arch. Pap.	Archiv für Papyrusforschung.
Arch. Relig.	Archiv für Religionswissenschaft.
Ath. Mitt.	Mitteilungen des deutschen arch. Inst. (Athenische Abteilung).
Atti Acc. Torino	Atti della r. Accademia di scienze di Torino.
Bay. Abh.	Abhandlungen d. bayerischen Akad. d. Wissenschaften.
Bay. S.B.	Sitzungsberichte d. bayerischen Akad. d. Wissenschaften.
B.C.H.	Bulletin de Correspondance hellénique.
Berl. Abh.	Abhandlungen d. preuss. Akad. d. Wissenschaften zu Berlin.
Berl. S.B.	Sitzungsberichte d. preuss. Akad. d. Wissenschaften zu Berlin.
Boll. Fil. Class.	Bollettino della Filologia Classica.
B.P.W.	Berliner Philologische Wochenschrift.
B.S.A.	Annual of the British School at Athens.
B.S.R.	Papers of the British School at Rome.
Bursian	Bursian's Jahresbericht.
C.I.G.	Corpus Inscriptionum Graecarum.
C.I.L.	Corpus Inscriptionum Latinarum.
C.J.	Classical Journal.
C.P.	Classical Philology.
C.Q.	Classical Quarterly.
C.R.	Classical Review.
C.R. Ac. Inscr.	Comptes rendus de l'Académie des Inscriptions et Belles-Lettres.
Dessau	Dessau, Inscriptiones Latinae Selectae.
Ditt.^{3}	Dittenberger, Sylloge Inscriptionum Graecarum. Ed. 3.
D.S.	Daremberg and Saglio, Dictionnaire des antiquités grecques et romaines.
E. Brit.	Encyclopaedia Britannica. Ed. 11.
F. Gr. Hist.	F. Jacoby's Fragmente der griechischen Historiker.
F.H.G.	C. Müller's Fragmenta Historicorum Graecorum.
G.G.A.	Göttingische Gelehrte Anzeigen.
Gött. Abh.	Abhandlungen d. Gesellschaft d. Wissenschaften zu Göttingen.
Gött. Nach.	Nachrichten der Gesellschaft der Wissenschaften zu Göttingen. Phil.-hist. Klasse.
Harv. St.	Harvard Studies in Classical Philology.
Head H.N.^{2}	Head's Historia Numorum. Ed. 2.
Heid. S.B.	Sitzungsberichte der Heidelberger Akademie der Wissenschaft.
H.Z.	Historische Zeitschrift.
I.G.	Inscriptiones Graecae.
I.G.R.R.	Inscriptiones Graecae ad res Romanas pertinentes.
Jahreshefte	Jahreshefte d. österr. archäol. Instituts in Wien.
J.D.A.I.	Jahrbuch des deutschen archäologischen Instituts.
J.E.A.	Journal of Egyptian Archaeology.

J.H.S.	Journal of Hellenic Studies.
J.I. d'A.N.	Journal International d'Archéologie Numismatique.
J.P.	Journal of Philology.
J.R.A.S.	Journal of the Royal Asiatic Society.
J.R.S.	Journal of Roman Studies.
Klio	Klio (Beiträge zur alten Geschichte).
Mém. Ac. Inscr.	Mémoires de l'Académie des Inscriptions et des Belles-Lettres.
Mem. Acc. Lincei	Memorie della r. Accademia nazionale dei Lincei.
Mem. Acc. Torino	Memorie della r. Accademia di scienze di Torino.
Mnem.	Mnemosyne.
Mus. B.	Musée belge.
N. J. f. Wiss.	Neue Jahrbücher für Wissenschaft und Jugendbildung.
N.J. Kl. Alt.	Neue Jahrbücher für das klassische Altertum.
N.J.P.	Neue Jahrbücher für Philologie.
N.S.A.	Notizie degli Scavi di Antichità.
Num. Chr.	Numismatic Chronicle.
Num. Z.	Numismatische Zeitschrift.
O.G.I.S.	Orientis Graeci Inscriptiones Selectae.
O.L.Z.	Orientalistische Literaturzeitung.
Phil.	Philologus.
Phil. Woch.	Philologische Wochenschrift.
P.W.	Pauly-Wissowa-Kroll's Real-Encyclopädie der classischen Altertumswissenschaft.
Rend. Linc.	Rendiconti della r. Accademia dei Lincei.
Rev. Arch.	Revue archéologique.
Rev. Belge	Revue Belge de philologie et d'histoire.
Rev. Bib.	Revue biblique internationale.
Rev. Celt.	Revue des études celtiques.
Rev. E. A.	Revue des études anciennes.
Rev. E.G.	Revue des études grecques.
Rev. E.J.	Revue des études juives.
Rev. E.L.	Revue des études latines.
Rev. H.	Revue historique.
Rev. N.	Revue numismatique.
Rev. Phil.	Revue de philologie, de littérature et d'histoire anciennes.
Rh. Mus.	Rheinisches Museum für Philologie.
Riv. Fil.	Rivista di filologia.
Riv. stor. ant.	Rivista di storia antica.
Röm. Mitt.	Mitteilungen des deutschen arch. Inst. Römische Abteilung.
S.B.	Sitzungsberichte.
S.E.G.	Supplementum epigraphicum Graecum.
S.G.D.I.	Sammlung der griechischen Dialektinschriften.
St. Fil.	Studi italiani di filologia classica.
Trans. A.P.A.	Transactions of the American Philological Association.
Wien Anz.	Anzeiger d. Akad. d. Wissenschaften in Wien.
Wien S.B.	Sitzungsberichte d. Akad. d. Wissenschaften in Wien.
Wien. St.	Wiener Studien.
Z. d. Sav.-Stift.	Zeitschrift d. Savigny-Stiftung f. Rechtsgeschichte.
Z.N.	Zeitschrift für Numismatik.

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These bibliographies do not aim at completeness. They include modern and standard works and, in particular, books utilized in the writings of the chapters. Some technical monographs, especially in journals, are omitted, but the works that are registered below will put the reader on their track.

The works given in the General Bibliography are, as a rule, not repeated in the bibliographies to the separate chapters. The first page only of articles in journals is given if the whole article is cited.

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CHAPTERS I–IV, VI–VII

TIBERIUS GRACCHUS; GAIUS GRACCHUS; THE WARS OF THE AGE OF MARIUS; THE ENFRANCHISEMENT OF ITALY; SULLA; THE BREAKDOWN OF THE SULLAN SYSTEM AND THE RISE OF POMPEY

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III. MODERN WORKS

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CHAPTER IV. SECTIONS VI AND VII

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Outlines of the parts played by various Italian towns in the Social War are to be found in the historical introductions in the appropriate volumes of *C.I.L.*, namely: IX (Mommsen), X (Mommsen), XI (Bormann), XIV (Dessau).

CHAPTER VI. SECTION IV

A. ANCIENT SOURCES

(*a*) *Epigraphical*

C.I.L. I (ed. 2), Part II, I (1918). 719 (= Dessau, 26), 722.

(*b*) *Literary*

Appian, Bell. Civ. I, 75–96; 100; 104.

Asconius, pp. 75, 84 c.

Auctor *de viris illustribus*, 68, 75.

Cicero, *ad Att.* ix, 10, 3; *de domo*, 17, 43; *in Cat.* iii, 4, 9; *de legibus*, ii, 22, 56–57; *de leg. agr.* i, 7, 21; ii, 21, 56; ii, 29, 81; ii, 33, 89; ii, 34, 92–93; *de nat. deorum*, iii, 32, 80; *de officiis*, ii, 8, 27; ii, 14, 51; *paradoxa*, vi, 2, 46; *de pet. cons.* 2, 9; 3, 10; *Phil.* xii, 11, 27; xiii, 1, 2; *pro Quinctio*, 24, 76; *pro Roscio Amerino*, 2, 6; 43, 125–126; 45, 130; *pro Sulla*, 26, 72; *in Verr.* i, 16, 43; iv, 31, 69.

Claudius Quadrigarius, frag. 84 P. (= Orosius, v, 20, 6).

Dio Cassius (ed. Boissevain), xxx–xxxv, frags. 106–109.

Diodorus (ed. Dindorf), frags. of bks. xxxviii, xxxix.

Dionysius of Halicarnassus, iv, 62.

Eutropius, v, 7, 4; 8.

Florus, ii, 9, [iii, 21] 18–22.

Frontinus, *Strat.* ii, 9, 3.

Licinianus, p. 32 F.

Livy, *Epit.* 85–89.

Obsequens, 57 (118).

Orosius, v, 20–21.

Pliny, *N.H.* vii, 43, 137; xxxiii, 1 16.

Plutarch, *Caesar*, 1; *Cato*, 3; *Crassus*, 6; *Pompey*, 6–8; *Sertorius*, 6; *Sulla*, 27–32.

Sallust, *Hist.* i, 34–53; v, 20 M.

Strabo, v, 249.

Sulla, frags. 18–19 P.

Tacitus, *Ann.* vi, 12; *Hist.* iii, 72.

Valerius Maximus, v, 2, 9; vi, 8, 2; vii, 6, 4; ix, 2, 1.

Velleius Paterculus, ii, 24, 3–29, 2.

Zonaras, x, 1.

B. Modern Works

Besides the relevant portions of the histories cited in the General Bibliography see also:

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Outlines of the parts played in the Civil War by various towns in Italy and Cisalpine Gaul are to be found in the historical introductions in the appropriate volumes of *C.I.L.*, namely: v (Mommsen), ix (Mommsen), x (Mommsen), xi (Bormann), xiv (Dessau).

CHAPTER VII. SECTION IV

A. Ancient Sources

(*a*) *Epigraphical*

C.I.L. I (ed. 2), Part i (1893). *Acta triumphorum*, p. 177.

(*b*) *Literary*

Ammianus Marcellinus, XXIV, 6, 7; XXVI, 9, 9; XXX, 1, 23.
Appian, *Bell. Civ.* I, 67, 85–86, 108–15; *Iber.* 99–101; *Mithr* 68.
Auctor *de viris illustribus*, 63, 77.
Caesar, *B.G.* III, 23, 5.
Cicero, *Brutus*, 48, 180; *de fin.* II, 20, 63; *pro Balbo*, 2, 5; 6, 14; *pro Fonteio*, 6, 14; 7, 16; 20, 46; *de imp. Cn. Pompeii*, 4, 10; 11, 30; 16, 46; 21, 62; *Phil.* XI, 8, 18; *Verr.* I, 34, 87; V, 28, 72; V, 56, 146; V, 58, 153; V, 59, 154.
Claudius Quadrigarius, frag. 85 P. (Gellius, *N.A.* IX, 1, 1).
Diodorus (ed. Dindorf), XXXVII, 22*a*.
Frontinus, *Strat.* I, 1, 12; I, 5, 1; I, 5, 8; I, 8, 5; I, 10, 1–2 (IV, 7, 6); I, 11, 13; I, 12, 4; II, 1, 2–3; II, 3, 5; II, 3, 10–11; II, 5, 31–32; II, 7, 5; II, 10, 1; II, 11, 2; II, 12, 2; II, 13, 3; IV, 5, 19.
Gellius, *N.A.* II, 27, 2; IX, 1, 1; XV, 22, 1–9.
Obsequens, 58 (119), 59 (120), 60 (121).
Orosius, V, 19, 9; 20, 1; 23, 1–15.
Pliny, *Epist.* III, 9, 10.
Pliny, *N.H.* III, 3, 18; VII, 26, 96; VIII, 32, 117; XXII, 6, 12; XXXVII, 6, 15.
Plutarch, *Lucullus*, 5; *Marius*, 6, 44; *Pompey*, 17–20; *Sertorius*.
Polyaenus, VIII, 22.
Sallust, *Hist.* I, 84–126; II, 28–35, 53–70, 88–98; III, 45–6, 81–9 M.
Strabo, III, 156–162; IV, 178.
Tacitus, *Ann.* III, 73.
Valerius Maximus, I, 2, 4; VIII, 15, 8; IX, 1, 5; IX, 15, 3.
Velleius Paterculus, II, 24, 4; 29, 5–30, 1; 90, 3.
Zonaras, X, 2.

B. Modern Works

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Dronke, G. *Kritische Studien zur Geschichte des sertorianischen Kämpfe.* Zeitschrift für d. Altertumswissenschaft, XI, 1853, Nr. 63 and 64.
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Maurenbrecher, B. *C. Sallusti Crispi Historiarum Reliquiae.* Leipzig, 1891. Vol. I, pp. 20–40.
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Wilsdorf, D. *Fasti Hispaniarum provinciarum.* Diss. Leipzig, 1878.

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Outlines of the parts played by Spanish towns in the Sertorian War are given in the historical introductions in *C.I.L.* ii (Spain) by Hübner.

CHAPTER V

PONTUS AND ITS NEIGHBOURS: THE FIRST MITHRIDATIC WAR

A. Ancient Sources

1. *Literary Texts*

The main literary sources are Appian's *Mithridatica*, Florus, Justin, Plutarch's *Lives of Lucullus*, *Pompey*, and *Sulla*, Strabo, and Velleius Paterculus. A complete survey and analysis of all the texts and of questions relating to the source-material is given in the monograph of Th. Reinach, *Mithridate Eupator*, quoted below.

For the campaigns narrated in sections v–viii of the chapter the following passages are specifically relevant:

Ammianus Marcellinus, xvi, 12, 41.
Appian, *Mithr.* 1–63.
Auctor *De vir. illustr.* 70, 75.
Cicero, ii *in Verr.* ii, 21, 51; 65, 159: *de imp. Cn. Pompei,* 3, 7; 5, 11: *pro Flacco* 14, 32; 25, 60: *pro Rab. Post.* 10, 27.
Dio Cassius, fr. 99, 101, 104.
Diodorus, xxxvii, 26–28; xxxviii, 6, 7, 8.
Eutropius, v, 5–7.
Florus, i, 40 (iii, 5).
Frontinus, *Strat.* ii, 3, 17; ii, 8, 12; iii, 17, 5.
Josephus, *Ant. Jud.* xiv, 112 (7, 2).
Justin, xxxviii, 1–7.
Licinianus (ed. Flemisch), fragments of book xxxv.
Livy, *Epit.* 76, 77, 78, 81, 82, 83.
Memnon, fragments of *History of Heraclea*, 30–35. (F. H. G. iii, pp. 541 *sqq.*)
Orosius, vi, 2.
Pausanias, i, 20, 4–7: ix, 7, 4–6; 33, 6; 40, 7: x, 34, 4.
Plutarch, *Lucullus*, 2–3: *Sulla*, 11–26: *Moralia*, 259 a–d; 809 c.
Posidonius, frag. 39 (= Nicolaus Dam., fr. 79): frag. 41 (*ap.* Athenaeus, v, 211 *sqq.*).
Strabo, ix, 396, 398; xii, 579, 654; xiii, 594, 614, 621; xiv, 641, 649.
Tacitus, *Ann.* iii, 62; iv, 14; 56.
Velleius Paterculus, ii, 18, 23, 24.

2. *Inscriptions*

All the inscriptions bearing upon the history of Pontus which were known down to 1890 will be found in Reinach, *op. cit.* pp. 456 *sqq.* For these and for more recent discoveries consult also the *Recueil des Inscriptions grecques et latines du Pont et de l'Arménie* in *Studia Pontica*, iii, 1910 (see below).

See also H. Grégoire, *Rapport sur un voyage d'exploration dans le Pont et en Cappadoce*, B.C.H. xxxvi, 1909, p. 1: G. de Jerphanion, *Inscriptions de Cappadoce et du Pont,* Mélanges de la Faculté Orientale de Beyrouth, vii, 1917–21, p. 1 and p. 395: *S.E.G.* iv, 1930, 727–33: A. Souter, *Two new Cappadocian Greek Inscriptions* (Anatolian Studies presented to Sir William Ramsay), 1923, p. 399. Inscriptions of Sinope will be found in D. M. Robinson, *Ancient Sinope*, quoted below. For inscriptions from South Russia bearing on the history of Pontus see B. Latyschev, *Inscriptiones Orae Septentrionalis Ponti Euxini*, i, ed. 2, 1916.

See also *C.I.L.* iii, 238–40, 6979–80, 12220, 14402; Th. Reinach in *Rev. Arch.* (5me sér.) iii, 1916, p. 329, and xii, 1920, p. 185; A. Salač, in *B.C.H.* xliv, 1920, p. 354; D. M. Robinson, in *A.J.Ph.* xliii, 1922, p. 71; Ἀρχ. Δελτ. xi, 1927–28, παραρτ. p. 27, No. 12 (Chios), and M. Segre in *Il Mondo Classico*, ii, 1932, p. 129.

3. *Coins*

See E. Babelon et Th. Reinach, *Recueil Général des Monnaies grecques d'Asie Mineure*, i, i, ed. 2, 1925; and cf. E. S. G. Robinson, in *Num. Chr.* xx (4th ser.), 1920, p. 1, and x (5th ser.), 1930, p. 1. Also K. Regling in *Klio*, xxii, 1928, p. 292.

B. Modern Works

(Titles marked with an asterisk are in Russian)

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Beloch, K. J. *Griechische Geschichte*. Vol. iv. Ed. 2. Berlin-Leipzig, 1925–27, pp. 214 *sqq.*

Delagarde, A. Berthier. **On Chersonesus*. Bull. de la Comm. Imp. Arch. xxi, 1907, p. 177. (See also **Memoirs of the Odessa Society for History and Antiquities*, xiv, p. 266.)

Chantre, E. *Recherches Archéologiques dans l'Asie Occidentale*. (Mission en Cappadoce.) Paris, 1898.

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—— **Chersonesky Sbornik*. (Materials for the Archaeology of the Tauric Chersonese.) Sevastopol, i, 1926; ii, 1927.

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—— **Inscriptions of Chersonese*. Bull. de la Comm. Imp. Arch. xlv, 1912, p. 23.

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—— *Kappadokien*. Ersch und Gruber Encycl. 2, Sect. 32, p. 383.

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Reinach, Th. *Trois Royaumes de l'Asie Mineure*. Paris, 1888.

—— *Mithridate Eupator*. Paris, 1890.

—— *Monnaie inédite des rois Philadelphes du Pont*. Rev. N. 1902, p. 52.

—— *L'Histoire par les monnaies*. Paris, 1903, pp. 127 *sqq.*

—— *A Stele from Abonuteichos*. Num. Chr. v (4th ser.), 1905, p. 113.

Robinson, David M. *Ancient Sinope.* New York, 1906. (Cf. *A.J.Ph.* xxvii and *A.J.A.* ix.)

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CHAPTER VIII

ROME AND THE EAST

A. Ancient Sources

1. *Inscriptions*

The principal inscriptions dealing with the kingdom of Pontus and the Mithridatic Wars are collected in Th. Reinach, *Mithridate Eupator*, quoted below, pp. 456–472, the most important of which are cited in the text of sections i–vi from Ditt.^{3} and *O.G.I.S.* Inscriptions relating to the Pirate Wars are collected in E. Ziebarth, *Beiträge zur Geschichte des Seeraubs und Seehandels*, quoted below, Anhang i, nos. 92, 93, 94, 96, 111. See also *S.E.G.* i, 335, iii, 378, on the date of which see H. Stuart Jones, *J.R.S.* xvi, 1926, pp. 155 *sqq.* and the literature there cited.

2. *Literary Sources*

Appian, *Mithr.* 64–119; *Sic.* 6; *Syr.* 48, 69–70.
Cicero, *Brutus*, v, 168; *de imp. Cn. Pompei*; *de lege agraria*, i, ii, 5; ii, xix, 50; *pro Murena*, xv, 33.
Dio Cassius, xxxvi–xxxvii, 23.
Diodorus, xl, 1; 4.
Eutropius, vi, 2–14; 16 (13).
Florus, i, 39–42 (iii, 4–7).
Frontinus, *Strat.* i, 1, 7; ii, 1, 12; 3, 14; 5, 33; iii, 7, 1; 13, 6.
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Justin, xxxviii–xl.
Livy, *Epit.* 90–102.
Memnon, fragments of *History of Heraclea*, 36–60, *F.H.G.* iii, pp. 544 *sqq.*
Obsequens, p. 104.
Orosius, v, 23; vi, 2–6, 4.
Phlegon, in *F. Gr. Hist.* no. 257, fr. 12.
Pliny, *Hist. Nat.* vi, 17, 52; 26, 97–99; xxxvii, 5, 16.
Plutarch, *Lucullus*, 5–37; *Pompey*, 24–45; *Sertorius*, 7; 23–24.
Sallust, *Historiae* (m.), i, 127–132; ii, 47, 71, 80–81, 87; iii, 2, 5–6, 19, 54; iv, 12, 18, 56, 58–59, 61, 63, 64–65, 67, 69, 79–80; v, 13–14.
Strabo, xi, 499–502; 522; 527–533; xii, 540–562; 567–569; xiv, 668–671; xvi, 747.
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i. *General*

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ii. *Special Topics*

(*a*) *The Pirates of Cilicia*

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(*b*) *Individual episodes of the Pirate War*

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Foucart, P. *Les campagnes de M. Antonius Creticus contre les Pirates*, 74–71. Journal des Savants, N.S. iv, 1906, p. 569.
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(*c*) *Campaigns in Pontus and its topography*

(See also the Bibliography to Chapter v, B)

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Hogarth, D. G. and J. A. R. Munro. *Modern and ancient roads in Eastern Asia Minor.* Royal Geog. Soc., Suppl. Papers, vol. iii, 1893, part 5.
Munro, J. A. R. *Roads in Pontus, Royal and Roman.* J.H.S. xxi, 1901, p. 52.

(*d*) *The invasion of Armenia and its topography*

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Belck, W. *Majafarkin und Tigranokerta.* Z. für Ethnologie, xxxi, 1899, p. 263.
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CHAPTER IX

THE JEWS

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CHAPTER X

THE PROVINCES AND THEIR GOVERNMENT

The authorities, ancient and modern, for the historical events referred to in this chapter will be found in the bibliographies to the relevant chapters, where they are treated in fuller detail. The works mentioned below are concerned rather with provincial administration than with the growth of the Roman Empire.

I. Ancient Sources

The writings of Cicero are our chief source of information upon the provincial government of the later Republic. Among his speeches the most important are: *in Verrem, in Pisonem, pro Flacco, pro Fonteio, de provinciis consularibus, de imperio Cn. Pompeii.* To these must be added his letters from Cilicia (Tyrrell and Purser, vol. III) and to his brother Quintus (book I). Incidental details of importance are found in the later books of Livy and in the works of Appian, Dio Cassius, Plutarch and Sallust.

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CHAPTERS XI AND XII

ROME IN THE ABSENCE OF POMPEY: THE FIRST TRIUMVIRATE

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CHAPTER XIII

THE CONQUEST OF GAUL

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The above bibliography is merely an introduction to the vast literature on Caesar's campaigns in Gaul and Britain. The general works of T. Rice Holmes contain references to most of the literature prior to their publication, and in his later work, *The Roman Republic* (Oxford, 1923), vol. ii, pp. 271–92, he deals with the more important books and articles on Caesar which appeared between 1911 and 1922.

A detailed bibliography by E. Kalinka of the Caesar literature for 1898–1928 will be found in Bursian, vol. 224 (Leipzig, 1929), pp. 1–256.

CHAPTER XIV

PARTHIA

I. SOURCES

1. Primary

Coins of Parthia, Elymaïs, Characene and Persis (see I, 3).

Greek. (*a*) Literary texts: Polybius, x, 28–31; fragments of Apollodorus of Artemita, *F.H.G.* iv, p. 308, and of Posidonius, *F.Gr.Hist.* ii, no. 87, frags. 5, 11–13, 71 (pp. 226, 228, 267); Herodicus' epigram, Athen. v, 222 A; Herodorus' ode, Fr. Cumont, *Mémoires de la délégation en Perse*, xx, 1928, p. 89 n. 6.

(*b*) Inscriptions: *O.G.I.S.* 430; Fr. Sarre and E. Herzfeld, *Iranische Felsreliefs*, 1910, p. 226; A. Dumont, *Mélanges d'archéologie et d'épigraphie*, 1892, p. 134; B. Haussoullier, *Klio*, ix, 1909, pp. 352 *sqq.* (one also in *Brit. Mus. Inscr.* iv, 2, no. 1052), with M. I. Rostovtzeff's readings, *Yale Classical Studies*, ii, 1930, p. 40. The following, though later, are also material: Fr. Cumont, *Fouilles de Doura-Europos*, 1926, nos. 91, 118, 124; *C.R. Ac. Inscr.* 1930, p. 212 (the first poem from Susa in praise of Zamaspes). The second poem, *C. R. Ac. Inscr.* 1931, p. 241, could not be used for this chapter.

(*c*) Parchments: no. 1 from Avroman, E.H. Minns, *J.H.S.* xxxv, 1915, p. 22 and see above, p. 586, n. 2. Also material, though later, are Fr. Cumont, *Fouilles de Doura-Europos*, no. 2, p. 296; M. I. Rostovtzeff and C. B. Welles, *Yale Classical Studies*, ii, 1930.

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Chinese. Ssu-ma-ch'ien, *Shi-ki*, ch. 123 (see II, B).

Jewish. 1 Macc. xiv, 1–3; 2 Macc. i, 13.

Aramaic. The inscriptions from Ashur and Hatra (see II, D) are material, though many are later.

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Diodorus, xxxiii, 18; xxxiv, 15–19, 21.

Justin, xxxvi, 1, xxxviii, 9, 10, xli, xlii, with Trogus' *Prologues*.

Plutarch, *Crassus*; *Sulla*, 5, *Pompey*, 36, 38–9, *Lucullus*, 21, 28, 30, 36; *Moralia*, 184 D, 204 A, 605 B.

Dio Cassius, xxxvi, 1, 3, 45, 51; xxxvii, 5–7; xl, 12–30.

[Livy] represented by: *Epit.* 59, 106; Florus, i, 46; Eutropius, vi, 18; Obsequens, 28, 124; Valerius Maximus, i, 6, 11.

Appian, *Syr.* 51, 67–8; *Mithr.* 104–6; *Bell. Civ.* ii, 65–6, 201.

Josephus, *Ant.* xiii, 184–6, 250–3, 344, 371, 384–6; xiv, 98, 103, 105, 119; *Bell. Jud.* i, 175–9.

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Notices in Polyaenus, vii, 39–41; Frontinus, ii, 5, 35; Ammianus Marcellinus, xxiii, 6, 4–6; Athenaeus, 513 F; Aelian, *H.N.* 10, 34; Velleius Paterculus, ii, 46; Suidas, Arsaces, *ἀγαθός*, *θώραξ*; Stephanus, Ἀπασιακαί, Ἀρσακία, Παρθυαῖοι; Hesychius, *βίσταξ*; Ovid, *Fasti*, vi, 465. Many allusions to Carrhae in Latin literature.

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[The present writer has been unable to see Manfrin, *La cavalleria dei Parti.*]

CHAPTERS XV–XVII

FROM THE CONFERENCE OF LUCA TO THE RUBICON; THE CIVIL WAR; CAESAR'S DICTATORSHIP

A. Ancient Sources

1. *Inscriptions*

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Dessau, 72, 73, 73*a*, 6343, 5406.
Ditt.^{3}, 757, 759, 760, 762.
Fasti Ostienses, *C.I.L.* xiv, *supp.* 4531. Capitoline Fasti.
I.G.R.R. iv, 57, 303, 304, 305, 307, 929.
I.G. xii, 2, 165*b*; xii, 5, 557.

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(?) Sallust, *in Caesarem senem de republica*; *in Ciceronem et invicem invectivae* (ed. Kurfess).

(*b*) *Secondary*

Appian, *Bell. Civ.* ii, 18–117; *Illyr.* 12–15; *Mithr.* 120–1.
Asconius, Comm. on *in Pisonem*, *pro Scauro*, *pro Milone*.
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Eutropius, vi, 18–25.
Florus, ii, 13 [iii, 2].
Josephus, *Ant.* xiv, 98; [vi, 1–xi, 1]–27.
Livy, *Epit.* 105–116.
Lucan, *Belli Civilis libri decem*.
Malalas, *Corp. Scr. Hist. Byz.* viii, p. 216.
Nicolaus Damascenus, *F.H.G.* iii, pp. 427 *sqq.*; *F.Gr. Hist.* ii, no. 90, pp. 391 *sqq.*
Plutarch, *Antony*, *Brutus*, *Caesar*, *Cato minor*, *Cicero*, *Crassus*, *Pompey*.
Strabo, iii, 160; iv, 181; v, 236; vii, 298, 303 *sqq.*; viii, 381; xii, 546 *sq.*; xiii, 594 *sq.*, 625; xiv, 649; xvii, 792, 796, 833.
Suetonius, *Divus Iulius* (edition with historical notes by H. E. Butler and M. Cary. Oxford, 1927).
Velleius Paterculus, ii, 46–59.
Scattered references of no great value, in Frontinus, *Strategemata* and Valerius Maximus.

B. Modern Works

The lists which follow are intended, not to survey the whole modern literature, but to indicate works to which the author wishes to acknowledge his indebtedness and those wherein references to other publications may conveniently be found. Works are grouped, so far as possible, in the order of their relevance to the text or of their relevance to each other. A few works are cited which the writer was unable to consult direct or which appeared too late to be used in writing these chapters. They are marked with a †.

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8. *Studies of Caesar and of his historical importance*

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CHAPTER XVIII

LITERATURE IN THE AGE OF CICERO

1. *Fragments*

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(*b*) Text and translation of the speeches, by W. C. A. Ker, L. H. G. Greenwood and others, in progress, Loeb series; of the letters, by E. S. Shuckburgh (4 vols.), London, 1899–1900; letters to Atticus, by E. O. Winstedt (3 vols.), Loeb series, to his Friends, (3 vols.), W. Glynn Williams, Loeb series.

(*c*) *Works on Cicero.*

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(*b*) *English Translation.*

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7. *Lucretius*

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(*a*) *Text.* H. A. J. Munro, ed. 4, vol. i (text), Cambridge, 1886; vol. ii (notes and introductory essay on the science of Lucretius by E. N. da C. Andrade), London, 1928; A. Brieger, Leipzig, 1894 (appendix, 1898); C. Giussani (text with Italian comm. and essays), Turin, 1896–8; new ed. by E. Stampini in progress; C. Bailey (text only), Oxford, 1900, ed. 2, 1922; W. A. Merrill (with comm.), Berkeley, 1917; H. Diels, 2 vols. (text and German transl.), Berlin, 1923–4; A. Ernout and L. Robin (with French transl.), Paris (Budé), 1925–8.

Editions of separate books are numerous; of these may be specially noted J. D. Duff, books i, iii, v, published separately, Cambridge, 1923–30.

(*c*) *English Translations.*

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(*b*) *English Translation.*

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CHAPTER XIX

CICERONIAN SOCIETY

A. Ancient Sources.

Apart from contemporary sources such as Caesar, Catullus, Cicero, Lucretius, Nepos, Sallust and Varro (for which see the Bibliography to chapter xviii), important material will also be found in later works such as Appian's *Civil Wars*, Aulus Gellius, Dio Cassius, Plutarch's *Lives* (especially the eleven which treat figures of the Ciceronian age, *Marius*, *Sulla*, *Sertorius*, *Lucullus*, *Crassus*, *Pompey*, *Cicero*, *Caesar*, *M. Junius Brutus*, *Cato the Younger*, *Antony*), Suetonius' *Life of Julius Caesar*, Valerius Maximus, and Velleius Paterculus. It is impossible to give detailed reference here to all the passages; some of the more important will be found in the footnotes to the text of this chapter.

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CHAPTER XX

THE ART OF THE ROMAN REPUBLIC

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See also the Bibliography to Hellenistic Art in vol. VIII, p. 794

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CHAPTER XXI

THE DEVELOPMENT OF LAW UNDER THE REPUBLIC

Few works on Roman law deal even mainly with the Republic, most touch on it. Thus completeness would only be obtained by giving a full bibliography of Roman law. The attempt is made here to indicate from comparatively recent literature what is most helpful to an English reader in the study of the Republican period. Fuller bibliographies will be found in Girard's *Manuel* and in Jörs' *Geschichte und System* (both mentioned below).

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III. PONTUS: THE MITHRIDATIDS

The dynasty begins with Mithridates I, dynast of Cius from B.C. 337/6 to 302/1, and then runs:

	B.C.
Mithridates II[2] (*vulgo* Ktistes)	302/1–266/5
Ariobarzanes[3]	266/5–*c.* 250
Mithridates III	*c.* 250–*c.* 185
Pharnaces I[4]	*c.* 185–*c.* 170
Mithridates IV Philopator Philadelphus	*c.* 170–*c.* 150
Mithridates V Euergetes	*c.* 150–121/0
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Nicomedes III Epiphanes Philopator[6]	*c.* 94–75/4

V. CAPPADOCIA

The first ruler to assert independence was Ariarathes III, 262/1–220, who began as *epistates* and later assumed the diadem and kingly title. The list then runs:

Ariarathes IV Eusebes	220–163
Ariarathes V Eusebes Philopator[7]	163–*c.* 130

The kingdom was in disorder for some years under the regency of the queen-mother Nysa.

Ariarathes VI Epiphanes Philopator	*c.* 126–111
Ariarathes VII Philometor	111–*c.* 100
Ariarathes Eusebes Philopator[8]	*c.* 100–96
Ariarathes VIII	96–95

With the death of Ariarathes VIII the dynasty came to an end and the Cappadocians elected a noble, Ariobarzanes, as their king.

Ariobarzanes I Philoromaios[9]	*c.* 95–62
Ariobarzanes II Philopator	62–51
Ariobarzanes III Eusebes Philoromaios	51–42

VI. COMMAGENE

Ptolemaeus, who began to rule about 170 B.C. as dependent *epistates* of Commagene, asserted his independence of Syria *circa* 163/2. The list then runs:

Ptolemaeus	*c.* 163/2–*c.* 130
Samus II Theosebes Dikaios	*c.* 130–*c.* 100
Mithridates I Callinicus	*c.* 100–*c.* 70
Antiochos I Theos Dikaios Epiphanes Philoromaios Philhellen	*c.* 70–*c.* 35

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[1] See p. 357.

[2] See pp. 216 *sqq.*

[3] Ariobarzanes died during the rule of Antiochos II Theos of Syria (261–247).

[4] Pharnaces is mentioned for the first time in 183; see p. 219.

[5] For the first few years the queen-mother (? Laodice) ruled, but Mithridates had certainly seized power by 115 B.C.; see p. 226, n. 2.

[6] A younger brother of Nicomedes III, Socrates, was put forward as a pretender in 91/90 by Mithridates Eupator of Pontus and reigned for a time as Nicomedes IV but was ejected later. (p. 238.)

[7] During the early years of Ariarathes V there was another claimant to the throne, Orophernes, supported by Demetrius I of Syria, but put down by *c.* 155. (vol. VIII, p. 281, p. 522.)

[8] Really a son of Mithridates Eupator but it was claimed that he was a son of Ariarathes V. After the death of Ariarathes VIII Mithridates again set him upon the throne. (pp. 236–9.)

[9] During the first eight years of this reign Ariobarzanes I and Ariarathes IX alternated upon the throne according to the fortunes of the war; in 85 Ariobarzanes was finally restored by Sulla. (p. 259.)

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